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Supreme Court, U.S.
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No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

EDWARD RONWIN, Petitioner

v.

IOWA SUPREME COURT BOARD OF PROFESSIONAL ETHICS AND CONDUCT, Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE IOWA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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14 pp

QUESTIONS PRESENTED FOR REVIEW

I. Consonant with the United States Constitution can the Iowa Supreme Court use its Rules of Professional Responsibility to punish exposure of a judge or judges who lie, commit perjury and steal money under the guise of performing judicial acts?

II. Consonant with the United States Constitution is any person or group in this nation covered by the Doctrine of Lesè Majesté?

III. Is Disciplinary Rule 8-102(B) of the Iowa Rules of Professional Responsibility contrary to the United States Constitution as an impermissible restraint upon a lawyer's freedom of speech?

IV. Is it a denial of equal protection and due process to deny lawyers the same absolute immunity that is accorded other citizens in legal proceedings?

V. Was a sufficient case presented in the underlying state action for a reasonably-minded jury to find against Defendant, SUSAN

HILL, in that action?

VI. Is the burden of proof employed by the Iowa Supreme Court in bar cases ill-defined and unconstitutionally vague and ambiguous?

VII. Did the Grievance Commission's Division deny due process to RONWIN and did the Iowa Supreme Court fail to remedy the denial?

VIII. Is Rule 80, Iowa Rules of Civil Procedure, (analogous to Fed. R. Civ. Proc., Rule 11), constitutional?

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MISCELLANEOUS

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JURISDICTION

The Iowa Supreme Court, ("IA SUP CT"), five of its nine Justices sitting, entered an Opinion, ("OPINION"), on December 18, 1996, revoking RONWIN's license to practice law in the Iowa state courts, (see Appendix, A2-31), which trampled on RONWIN's First and Fourteenth Amendment rights. OPINION was corrected by Order entered December

27, 1996 adding an attorney's name, DAVID GRACE, ("GRACE"), to those acting for the BOARD; and again entered January 14, 1997 correcting the name "SPOHR" to "SPORER", OPINION, A16. RONWIN timely petitioned for rehearing and IA SUP CT denied the petition by Order entered January 23, 1997, A1.

This Petition is within the 90-day period following the IA SUP CT's denial of the Petition for Rehearing, (this Court's Rule 13.3). This Court's jurisdiction is invoked under 28 U.S.C., § 1257.

STATUTORY PROVISIONS INVOLVED

Please see Appendix pages, A 109-111.

Note: The federal constitutional questions were raised before the Grievance Commission's DIVISION in [RONWIN's] Post-Hearing Brief, ("RB"), 1,16,18 and before IA SUP CT as acknowledged by OPINION, A5,7,12.

STATEMENT OF THE CASE

This action is an offshoot of a related Iowa State case captioned National Child Care, Inc.

v. (JANET and ROBERT) Dickinson and (Susan HILL). JANET was sued for breach of contract and of fiduciary relationship, RB 28. ROBERT and HILL were sued for interference with NATL's business expectancies and with JANET's contract with NATL, RB 28-29. In 1987, JANET and RONWIN formed NATL to start a chain of child care centers. RONWIN prepared a Business Plan in which JANET and RONWIN were described as officers and directors of NATL; their respective functions described, RB 27, and copies were given in JANET's presence to prospective investors, A68,69. Ultimately, RONWIN convinced an investment banking firm to provide NATL with $400,000 for its first child care center,A68,69. JANET was present when said firm's officers expressed their intense interest, A62-63, and required JANET to provide an unaudited financial statement on her own child care center. JANET failed to provide the financial statement and quit NATL after her demand for greater than a 50% share and other advantages were rejected by

RONWIN, A14, which caused withdrawal of the $400,000 to NATL, RB 28. ROBERT demonstrated tortious interference on at least three occasions, A60-66. HILL joined ROBERT's efforts, A32-60. NATL sued all three, RB 28-29.

The defendants moved to dismiss on several grounds including alleged failure to state a claim. The Iowa state court denied the motion but ultimately granted that part alleging that RONWIN could not act for NATL. On appeal, IA SUP CT held in NATL's favor, National Child Care, Inc. v. Dickinson, 446 N.W.2d 810 (Iowa 1989), A16. RONWIN obtained an attorney for NATL: SPORER, RB 29. Three weeks before trial, HILL moved for summary judgment and was denied same, RB 29,98. Trial began on May 20, 1991, RB 30. The preceding Friday, Judge ROBERT A. HUTCHISON replaced Judge JOEL NOVAK, RB 30, and announced that he had read RONWIN's deposition and reviewed the entire case file, RB 30. When NATL rested defendants moved for directed verdicts. Declaring his grant of directed verdicts into the

trial record only, RB 30, HUTCHISON based his action on several false statements. NATL appealed, RB 30. In an effort to create a bargaining chip, defendants filed Rule 80 motions, seeking sanctions against NATL and RONWIN, RB 30. RONWIN refused to trade NATL's right to appeal for the withdrawal of the Rule 80 motions. The motions were based on HUTCHISON's false statements and basis for granting directed verdicts. Against RONWIN and NATL, HUTCHISON awarded $20,000 to the Dickinsons and $10,000 to LEGAL AID SOCIETY, which represented HILL, RB 30. RONWIN appealed and the case was shunted to IA Court of Appeals, A17. While reversing HUTCHISON's holding of no contract between NATL and JANET, that Court then adopted HUTCHISON's false statements and affirmed his sanctions against RONWIN, RB 30. RONWIN applied to IA SUP CT for further review which was denied without comment, RB 30. Thereafter, RONWIN sued the defendants, HUTCHISON, other judges and attorneys involved, in the U.S. District Court, based on violation of Civil

Rights, RB 30-31. The federal judge granted summary judgment to defendants. RONWIN appealed to the 8th Circuit, which dismissed the appeal without opinion, RB 30-31. Then, BOARD filed a complaint against RONWIN. The BOARD sent the matter to the IA SUP CT Grievance Commission which established a 5 person tribunal (DIVISION). Because of conflicts of interest, several DIVISION members were replaced, RB 11-12. The new DIVISION president established a collusion with BOARD's counsel, (not denied), RB 3-13. The hearing was started on Thursday, September 21, 1995. RONWIN was scheduled to call about 23 witnesses; BOARD called 2 witnesses, (HUTCHISON and HILL). The hearing was to run through Saturday, Sept. 23, 1995 and then be continued, RB 8. RONWIN informed the DIVISION that he was ill, but was willing to try to proceed after motion arguments and BOARD's case, through 5 judge witnesses and no later than Friday, Sept. 22, 1995, RB 9-11. DIVISION refused RONWIN's offer, RB 11-12. Without assurances, RONWIN could not

continue and left the hearing during which both HUTCHISON and HILL committed perjury, A45-52; 100-106; 94-99. On Sunday, Sept. 24, 1995, RONWIN was taken to a hospital; the doctor indicated that RONWIN had suffered a heart attack[1]. Other denials of due process and foul play characterized DIVISION proceedings and prior actions, A3-13. The DIVISION then asked RONWIN to submit RB which RONWIN did setting forth proof from the record of RONWIN's charges against HUTCHISON and of the very reasonable grounds upon which HILL was sued, A32-109. DIVISION recommended suspension of RONWIN's right to practice law, A4-5. RONWIN appealed to IA SUP CT, which entered OPINION revoking RONWIN's right to practice law in state courts.

REASONS FOR GRANTING THE WRIT

<u>On Question I</u>

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[1]RONWIN had been ill for over a year. In the 16 months following that hospital entry, RONWIN underwent 7 angiograms, 4 unsuccessful angioplastys, 3 unsuccessful stent implantations at 2 different occasions and a double by-pass operation; and still has signs of occasional angina and incomplete remedy.

If RONWIN was telling the truth when he charged HUTCHISON with lying, and if RONWIN's action against HILL was not frivolous, then none of the alleged violations of the Iowa Code and of the Iowa Rules of Professional Responsibility, (see A109-111), have been violated by RONWIN; and the IA SUP CT's determination is without grounds.

The extraordinary thing about OPINION is that the Court merely quotes RONWIN's comments holding HUTCHISON to have lied in the performance of his judicial duty in the Iowa action, and RONWIN's charges against others, A23-28, but nowhere does OPINION show that the proofs offered <u>from the record in the Iowa action</u> were faulty or not proof at all, and without more, holds RONWIN to have violated DR 8-102(B), and, therefore, the rest of the Iowa Code and DR's, A109-111. To violate DR 8-102(B), RONWIN's comments had to be "knowingly [made] false." RONWIN's comments were certainly "knowingly [made]" but there is no demonstration by IA SUP CT that the comments were "false." In fact, RONWIN's com-

ments were true as shown by the following:

In rendering directed verdict in favor of ROBERT and HILL, HUTCHISON stated, APP. 688-689, (APP = Appeal Appendix filed in state case and entered into the record of this bar case):

> ..I think this record is absolutely devoid of one shred of evidence that would support any possible claim against these two people. The idea that a statement of a wife concerning her husband that it is his macho image is enough to engender a jury question, I don't understand... (emphasis supplied)..As far as I'm concerned, the evidence with regard to Susan Hill doesn't even rise to that level...

In Iowa, the elements of the torts of interference with business expectancies and with contract are given in Nesler v. Fisher, 452 N.W.2d 191, 198-199 (Iowa 1990), A53-55. Also, on directed verdicts, HUTCHISON was bound to favor NATL's testimony and other evidence and even accept it as true for purposes of the motions, Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986).

RONWIN testified that ROBERT called and said, "We are not going to make a loan from Bankers

Trust...for this Burke property," [on which rezoning was sought], which led to JANET's quitting NATL, A60-61.

Comparing that testimony with the tort elements in Nesler, supra, 452 N.W.2d @198-199, there is reasonable evidence that ROBERT committed the torts charged against him, see A61-62 for the comparison.

In RONWIN's presence, as RONWIN testified, ROBERT demanded that JANET not go to the meeting in St. Louis with RONWIN; at which $400,000 offer to NATL was made. Had ROBERT succeeded, it would have destroyed NATL's opportunity there and then, A62-63. Ultimately, ROBERT did succeed when JANET quit NATL.

RONWIN also testified to ROBERT's interference with a meeting between JANET and RONWIN. JANET explained to RONWIN that ROBERT's reason was his "macho image"; i.e., that he could not stand to have JANET eclipse him in business. "Macho image" supplied the hostile element required in the tort of interference with business expectan-

cies, A63-66.

These two incidents also supply not just "shreds of evidence" but elements, or facts supportive of elements, of the interference torts charged against ROBERT. A reasonably-minded jury could so conclude, A66-67.

HUTCHISON lied when he stated that there was not a "shred of evidence" to support any claim against ROBERT. HUTCHISON had heard several items of evidence. Furthermore, HUTCHISON lied when he said he did not know what "macho image" meant because the phrase was described by RONWIN in his testimony in his deposition, which HUTCHISON declared, at the start of the trial, that he had read, RB 30. Worse, when RONWIN started to testify on what "macho image" meant, HUTCHISON cut RONWIN off, A64-65. No wonder, HUTCHISON "did not understand"; however, since he read its meaning in RONWIN's deposition, he really did understand, A65. HUTCHISON lied again, and by keeping RONWIN from testifying on "macho image" at trial, abused his power deliberately, A65.

RONWIN testified on the events at the P&Z hearing and HILL's and RONWIN's roles in it, A33-43. HILL incited JANET to hysteria against NATL causing JANET to blame RONWIN for failure to get P&Z approval, A35; but RONWIN was "prepared for a negative determination," A36. One witness testified to being twice refused P&Z approval and others were refused, too, A34-35. RONWIN looked to the City Council or the courts for the rezoning, A40-42. HILL testified profusely to RONWIN's alleged poor conduct of NATL's case before P&Z, A36-37; yet admitted not knowing any of the details, nor that RONWIN's approach was wrong, A37, which reflected HILL's hostility to NATL. Worse, HILL's testimony was sheer perjury, since her testimony as to the time she was present at the hearing precluded her observation of RONWIN's advocacy, A38-40. Moreover, HILL denied ever talking to JANET about NATL's relationship with JANET and with RONWIN, but, to the identical interrogatory and in trial testimony JANET stated that she talked

with HILL about said relationships on occasions, "too numerous to mention, A42-43." HILL did admit knowing of JANET and RONWIN's interest and that the center was for NATL, A38.

The testimony on HILL, as summarized above, supplies elements, and facts supportive of elements of the torts charged against HILL, A56-57.

OPINION errs when it implies that RONWIN blamed HILL for the failure at P&Z, A22. As above, RONWIN was "prepared for a negative determination," A36. HILL's tortious conduct was her incitement of JANET at P&Z, which reflected her effort to get JANET to cleave her association with NATL, which eventually happened with HILL's contribution, and with that cleavage the $400,000 funding was denied to NATL. OPINION also errs when it implies that RONWIN's statement that HILL was originally not a defendant allegedly shows wrongful suit against HILL, A22. The statement reflected RONWIN's willingness to overlook HILL's part in the breach of JANET's contract with NATL, but when HILL seriously in-

terfered in the settlement conference to NATL's detriment, (see below), that caused HILL to be made a defendant, A45.

SALSBERY, (JANET's attorney and brother-in-law), called a conference to settle the JANET-NATL dispute. The proposed settlement was a non-monetary, covenant not to compete. Afterward, SALSBERY informed RONWIN that JANET was for the settlement, but that ROBERT and HILL counseled refusal, A45. HILL had attended on the basis of a false excuse, A43-44; threatened to sue RONWIN for "defamation," A44, and with no interest in the matter helped to destroy NATL's business expectancy to settle the dispute with JANET with minimum expense and effort, A45. See exposition of the elements of HILL's tortious conduct, A58-59.

HILL freely engages in perjury; see comparison of HILL's testimony at trial and at DIVISION hearing, A45-52.

HILL's and RONWIN's testimony provides more than "shreds of evidence" of HILL's tortious

conduct which makes HUTCHISON's statement at 9, supra, false as to HILL, too.

In addition to the lying set forth above, HUTCHISON lied when he stated, contrary to RONWIN's uncontradicted testimony, that NATL had not experienced "damages;", A67-72, and that there was no contract between JANET and NATL, (which the IA CT of APP reversed). HUTCHISON made numerous other false statements in his Rule 80 Ruling which are set forth at A85-100, including his use of two Arizona decisions which he had excluded grudgingly at trial, A94-96, and the absurd charge that RONWIN sued ROBERT and HILL to silence them as "potential witnesses," quotation at A94; see also A96-100.

HUTCHISON's actions at trial and motion proceedings reported at A75-85 add more examples of HUTCHISON's lying and outrageous abuse of his judicial powers.

RONWIN accused HUTCHISON of committing perjury in DIVISION hearing on several occasions, A100-106. In DIVISION hearing, BOARD's attorney

acted as HUTCHISON's attorney and surely discussed HUTCHISON's appearance. BOARD's attorney submitted and DIVISION admitted as evidence, the state case trial and Rule 80 motion hearing transcripts and the Appendix culled from those transcripts and other parts of the record. Thus, HUTCHISON had ample opportunity and duty to check on why RONWIN was charging that his "shred of evidence", "macho image" and "no damages" statements, as others, were lies. Yet, 4 years after making those statements, HUTCHISON, under oath, insisted that his "shred or evidence", "macho image" and "no damages" statements were still true, A103; 100-101, Since the state case record is replete with "shreds of evidence", facts on "macho image" and evidence of damages, HUTCHISON's statements were not error, but deliberate falsehood, and perjury, (RONWIN's Reply Brief to IA SUP CT, 12-14).

RONWIN charged HUTCHISON with using lie frequently in his Rule 80 Ruling, (pp. 29-32, RONWIN's Brief to IA SUP CT). In response, BOARD

arguing that the lies were "minor," (BOARD's Brief to IA SUP CT,31), refrained from further response. "Minor" or not, HUTCHISON lied profusely in his Rule 80 Ruling. As far as the BOARD and IA SUP CT are concerned: it is alright for a judge to lie, as long as it is "minor."

The reference to the two Arizona decisions, A27, was thrown in to allegedly buttress IA SUP CT's case. In Matter of Ronwin, 667 P.2d 1281 (Ariz. 1983), corrected by West Pub. Co. as to headnotes only and reprinted at 680 P.2d 107, one finds, among other infirmities, in the decision, 680 P.2d @ 115:

> Ronwin demands an evidentiary hearing at which he would present evidence in an attempt to establish his grounds to believe in the truth of each of the many allegations and charges which he has made against judges, lawyers, clerks, committee members, etc. If the truth or his belief in the truth of each of these allegations were of importance to this decision, due process would entitle Ronwin to such a hearing.

A court that thinks the truth is of no importance to its decision, is an unfit court. Furthermore, RONWIN was entitled to an evidentiary

hearing, not because the Arizona Supreme Court disdains the truth, but because the 14th Amendment required one.

Based on his lying and outrageous conduct, HUTCHISON awarded $30,000 against RONWIN, which has recently become $76,000--virtually all of RONWIN's cash life's savings.

IA SUP CT is vexed that RONWIN charges that Chief Justice MCGIVERIN, "signed the denial of [RONWIN's] application for further review 'as a matter of rote and not as a product of a deliberate truly careful examination of the issues..'", A26. RONWIN got that from Justice JERRY L. LARSON, who is noted as presiding over the 5 Justice panel, A3, in face to face meeting with RONWIN at his office in Harlan,IA.[2]

IA SUP CT had to show that RONWIN's statements of HUTCHISON's lying, taken from the state case record, were not true; (let alone showing

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[2]What Justice LARSON said was that Justice MCGIVERN was asked to sign the denial of the application for further review and that MCGIVERIN did not review the record.

them made knowing them to be not true), that court did not even show them to be untrue, 8,9,supra.

On Question II

IA SUP CT's Opinion is nothing less than an application of the Doctrine of Lesè Majesté; i.e., judges stand above criticism and exposure of their corrupt acts. This Court has clearly stated that "no man [presumably, women and entities, too], is above the law," Butz v. Economou, 438 U.S. 478, 506, 98 S.Ct. 2894, 2910 (1978). Either judges can be criticized or they cannot. There is nothing in the U.S. Constitution which says, or allows any Court to declare that judges are above the law and cannot be criticized for either petty or for egregious wrongs, or that judges enjoy protection from the Doctrine of Lesè Majesté.

On Question III

DR 8-102(B) is an impermissible restraint upon a lawyer's freedom of speech, RB 18-25. IA SUP CT quotes Ethical Consideration 8-6 as justifi-

cation for the DR, A12. While EC 8-6 allows a lawyer to criticize a judge, it requires that a lawyer doing so speak with certainty. If one must be certain every time one speaks, one does not have free speech, RB 18,21. Freedom of speech implies a right to speak even when uncertain and to speak with impunity. EC 8-6 orders avoidance of "petty criticisms." How does that comport with a lawyer's right to free speech? EC 8-6 answers by arguing that "unrestrained and intemperate statements tend to lessen public confidence in our legal system." Where's the proof? If anything, RONWIN's exposure of HUTCHISON's lies and corruption can only improve the legal system in public eyes. Furthermore, what the public thinks about the legal system is not ground for abrogating a lawyer's freedom of speech, anymore than it would be grounds to curb criticism, whether unrestrained or intemperate, of members of the Executive and Legislative branches of government. If the President can be called a liar (and he has been called worse)

with impunity, and congressional members likewise pilloried, one can call a judge the same.[3] Furthermore, EC 8-5 orders lawyers to expose judicial wrongdoing. So, when RONWIN exposes HUTCHISON's lies and corruption, RONWIN is prevented from practicing his profession, which is a right, Willner v.Comm. on Character & Fitness, 373 U.S. 96,102 (1963). EC 8-6 is a deterrent to compliance with EC 8-5. No other profession operates under such restriction of freedom of speech; yet, this Court has held that lawyers are first class citizens, too, Spevack v. Klein, 385 U.S.511, 516 (1967), and has declared, with respect to a Nevada Bar rule similar to DR 8-102(B) that, Gentile v. State Bar of Nevada, 501 U.S. 1030, 111 S.Ct. 2720 (1991):

> ..disciplinary rules governing the legal profession cannot punish activities protected by the First Amendment, and [the] First Amendment protection survives even when the attorney violates a disciplinary rule he swore to obey when admitted to the

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[3]In this case, RONWIN has shown with certainty that HUTCHISON lied in his "shred of evidence" and other comments.

practice of law...

If a lawyer is wrong in his or her comments about a judge, the judge can resort to the same remedy as any other citizen--sue for defamation. Judges are not entitled to any special protection from criticism whether it proves right or wrong.

DR 8-102(B) is based on unsupported nonsense, i.e., that public confidence in the legal system would be impaired by criticism of judges. In fact, it is difficult to find a profession, and thereby the legal system, other than used car salesmen, who rate lower than lawyers and judges in the public eye. A lawyer must be free, whether certain or not, to voice his criticism of any judge or lawyer with impunity; same as any other citizen.

DR 8-102(B) is unconstitutional, not only as applied by IA SUP CT herein, but because the alleged justification for it is nonsense and contrary to the constitutional concept of freedom of speech and equal protection to lawyers.

On Question IV

BOARD's Complaint charged that RONWIN's accusations that HUTCHISON lied and rendered a fraudulent judgment occurred in a judicial proceeding in federal court, pp.2-3, Complaint; RB 15.

OPINION acknowledges RONWIN's demand for absolute immunity based on First Amendment and equal protection rights, A7, but argues that lawyers, "may have some fewer rights to free speech than would a private citizen," A10, and that the grounds are that judges would allegedly be intimidated and unwarranted criticism of courts would be fostered, A10-11; and that the courts "have jurisdiction to discipline attorneys for defamation or disrespectful statements contained in pleadings or other court papers," A11.

The essence of IA SUP CT's argument is that lawyers are second-class citizens who can criticize judges only at the peril of their livelihood or professional standing. It is a veiled application of the Doctrine of Lesè Majesté and a blatant assertion of the right of

censorship. Furthermore, no court in this nation has a right to recognize any lesser First Amendment and equal protection rights for lawyers than for other citizens; anymore than a judge can be held to speech restrictions in his or her criticism of lawyers.

In this case, RONWIN freely advocated his action in federal court against defendant HUTCHISON and had every right to state his case as he saw it. There is ample evidence in the record to support RONWIN's accusations against HUTCHISON; but, even if IA SUP CT refuses to acknowledge that evidence, RONWIN, and all lawyers, as first-class citizens, some of whom went to arms for the preservation of our constitutional form of government, have an absolute right to free speech to the same degree as any other citizen or judge and to the exercise of such right with impunity.

On Question V

Above at 12-15, it is demonstrated that there was record evidence which was more than a shred,

and, in fact, constituted elements of the two separate torts charged against HILL. HILL's hostility, an element in the business expectancy tort, is also shown, 12-15, supra. Instead of looking with favor, or accepting NATL's evidence as true, HUTCHISON proclaimed an absolute lack of even a "shred of evidence," and granted directed verdict to HILL and then awarded $10,000 against RONWIN to HILL's attorneys, LEGAL AID. In addition, HILL's numerous instances of perjury, 12,supra, (A38-40) were ignored by HUTCHISON, and then HILL committed further perjury at DIVISION hearing, 14, supra, (A45-52).

There was sufficient evidence placed of record such that a reasonable jury could have held for NATL; NATL's action was not frivolous. IA SUP CT has advanced with no evidence from the record to demonstrate the contrary; said court merely alleges the contrary without more.

On Question VI

IA SUP CT and its DIVISION used a burden of proof which is described as "convincing prepon-

derance of the evidence." RONWIN challenged that burden as being insufficiently defined and as likely equal to the "clear and convincing" standard, RB 13-15. IA SUP CT eschews the equation to "clear and convincing," but gives no definition of the burden of proof, A5-7. A tribunal acting with an ill-defined, vague and ambiguous burden of proof cannot honestly measure the equities of any dispute before it, including this case.

<u>On Question VII</u>

DIVISION, acting particularly through its President, colluded with BOARD's counsel and made numerous rulings against RONWIN before the hearing ever started, RB 3-13. Then, DIVISION refused to assure RONWIN of a continuance, of one extra day, when a continuance would have had to be made in any event because of the large number of witnesses, even though RONWIN explained that he was ill, winding up in a hospital with heart trouble three days later, RB 10,11. It is a denial of due process to refuse accommodation un-

less a litigant is carried out on a stretcher. Even though RONWIN argued a denial of due process and denial of a hearing, IA SUP CT did nothing to rectify the wrong.

On Question VIII

Rule 80 is a rule of tyranny. It can be used to destroy economically, psychologically or professionally any attorney who expresses his disapproval of judicial conduct or exposes judicial fraud and corruption, as RONWIN has with HUTCHISON. Or, an attorney can be so terrorized if his opponent attorneys have courthouse "influence"--not unknown on the Iowa judicial scene, nor in other jurisdictions.

There are no limits to the sanctions. The alleged standards for determination of Rule 80 motions are vague and loose. There is a lot of "post-game" quarterbacking and other abuses such as occurred herein.

For example, after RONWIN's deposition was taken, the defendants knew what RONWIN, (NATL's major witness), was going to testify at trial.

Defendants should have been required to move on Rule 80 there and then or waive. Instead the cost of a trial was added to the sanctions, (which,as amply shown above, was not in anyway justified).

HUTCHISON was required by Rule 80 and by decisions of IA SUP CT, such as Weigel v. Weigel, 467 N.W.2d 277, 280 (Iowa 1991) to review the petition as of the time of filing and under Mathias v. Glandon, 448 N.W.2d 443, 445 (Iowa 1989) to "..to examine the record as to the prefiling inquiry of counsel." Instead, HUTCHISON looked to the trial result and falsely and corruptly awarded $30,000 against RONWIN who has never, with one exception, earned more than $32,000/year gross throughout his legal career.

The 1995 Economic Survey of the Iowa Bar Ass'n, published Nov., 1996, p. 22, reports the gross income from law-related work of private practitioners as approximately $67,000/year. After taxes, a family or even single persons, would be financially and professionally devasta-

ted by an award as given against RONWIN. To allow Rule 80 motions to be filed years after suit is commenced, as herein, (suit filed Jan.,1988 and Rule 80 motions filed June, 1991), is an outrage; some reasonable time limit is needed. Strict monetary limits should be imposed on awards and lawyers who file Rule 80 motions without adequate grounds should be severely sanctioned. In this action, NATL prevailed on a motion to dismiss based on lack of a claim stated and three (3) weeks before trial prevailed against HILL's motion for summary judgment, RB 29,98. Clearly, the trial court was saying that NATL had a case against HILL and should proceed to trial. Where lie the grounds for Rule 80? Defendants claimed that the grounds were the false "shred of evidence" and other false statements of HUTCHISON. There were no legitimate grounds for defendants' Rule 80 motions, but neither they, nor their lawyers were sanctioned for their outrageous conduct. Rule 80 creates a jungle to which the dregs of

the legal community eagerly resort in an effort to steal money from other lawyers. A dog eat dog atmosphere is encouraged by Rule 80. No other profession allows itself to be subjected to such an outrageous rule; and, there have always been methods to deter frivolous lawsuits; to-wit: motions arguing no claim stated and motions for summary judgment. Rule 80, as enforced in Iowa, is an unconstitutional assault on the First Amendment right to freedom of access to courts.

CONCLUSION

For the reasons given in the foregoing, the IA SUP CT's revocation of RONWIN's license violated RONWIN's constitutional rights was without factual grounds. Wherefore, the writ of certiorari should be granted.

Respectfully submitted,

Edward Ronwin
P.O. Box 107
Beaver Creek, MN 56116
(507) 673-2581
Petitioner pro se

(APPENDIX FOLLOWS)

IN THE SUPREME COURT OF IOWA

No. 96-378

ORDER

IOWA SUPREME COURT BOARD OF PROFESSIONAL ETHICS AND CONDUCT,

Appellee,

vs.

Filed
Jan 23, 1997
Clerk Supreme Court

EDWARD RONWIN,

Appellant.

After consideration by the court, en banc, McGiverin, C.J., Harris, Lavorato and Snell, JJ., taking no part, appellant's Petition for Rehearing in the above-captioned case is hereby overruled and denied.

Dated this 23rd day of January, 1997.

THE SUPREME COURT OF IOWA

By /s/ J.L. Larson
J.L. Larson, Justice

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IN THE SUPREME COURT OF IOWA

No. 300/96-378

Filed December 18, 1996

IOWA SUPREME COURT BOARD OF PROFESSIONAL ETHICS AND CONDUCT,

Appellee,

vs.

Filed
Dec 18, 1996
Clerk Supreme Court

EDWARD RONWIN,

Appellant.

Appeal from report of the Grievance Commission

Attorney appeals from report of the Grievance Commission. **LICENSE REVOKED.**

Edward Ronwin, Beaver Creek, Minnesota, pro se.

Norman G. Bastemeyer and Charles L. Harrington, Des Moines, for Appellee.

Considered by Larson, P.J., and Carter, Neuman, Andreasen, and Ternus, JJ.

PER CURIAM.

In March, 1995 the Iowa Supreme Court Board of Professional Ethics and Conduct (board) filed a complaint against Edward Ronwin, alleging violation of disciplinary rules (DR) of the Iowa Code of Professional Responsibility for Lawyers (Professional Code) and provisions of Iowa Code section 602.10112 (1995), setting forth the duties of attorneys. The complaint charged Ronwin with (1) filing a frivolous lawsuit against Susan Hill when he knew, or when it was obvious, that the suit would serve merely to harass and maliciously injure her (DR 7-102(A)(1), (2) knowingly making false accusations against Judge Hutchison (DR 8-102(B)), (3) engaging in conduct that is prejudicial to the administration of justice (DR 1-102(A)(5)), (4) engaging in conduct that adversely reflects on his fitness to practice law (DR 1-102(A)(6)), (5) failing to maintain

the respect due the court and judicial officers (Iowa Code § 602.10112(1)), (6) failing to abstain from offensive personalities (Iowa Code § 602.10112(5)), and (7) commencing and continuing a federal court action from a motive of passion and interest (Iowa Code § 602.10112(6)).

These charges arise from a lawsuit filed in Iowa district court against Hill and other defendants, a federal lawsuit in the United States District Court for the Southern District of Iowa against Hill and other defendants, their attorneys, and various members of the judiciary, and an appeal to the United States Court of Appeals for the Eighth Circuit. The federal suit and appeal were taken after the Iowa appellate court affirmed the dismissal of the lawsuit in state court and the award of penalties imposed under Iowa Rule of Civil Procedure 80.

Following hearing on the complaints, the Grievance Commission (commission) found Ronwin violated both the disciplinary rules and the Iowa statute as alleged in the complaint. The commis-

sion recommended Ronwin's license to practice law be suspended indefinitely with no possible reinstatement for one year. The commission also recommended Ronwin participate and complete six hours of continuing education on the Iowa Code of Professional Responsibility for Lawyers.

Ronwin appealed the commission's report and recommendations. The board cross-appealed from the commission's recommendations. Our review of the appeal is de novo. Iowa Sup.Ct. R. 118.11. Before our review of Ronwin's conduct, we will address the special issues raised by him on appeal relating to the burden of proof, the claim of absolute privilege, and the constitutionality of DR 8-102(B).

I. Burden of Proof.

In 1967 we adopted a "convincing preponderance of the evidence" standard of proof in attorney disciplinary cases. Committee on Prof'l Ethics & Conduct v. Kraschel, 260 Iowa 187, 193-94, 148 N.W.2d 621, 625 (1967). This burden of proof conforms to the majority rule and the better

considered weight of authority. Id. Our opinion implicitly rejected the "clear and convincing" standard that was recognized in In re De Caro, 220 Iowa 176, 185, 262 N.W. 132, 135 (1935). We have stated the requirement is "something less than required in a criminal prosecution, and as something more than is required in a civil proceeding," Kraschel, 260 Iowa at 194, 148 N.W.2d at 625, "a greater quantum of evidence than that required in a civil trial, but less than that required to sustain a criminal conviction," Committee on Prof'l Ethics & Conduct v. Hurd, 375 N.W.2d 239, 246 (Iowa 1985), and "a greater quantum of evidence than a preponderance, but less than that required to sustain a criminal conviction," Committee on Prof'l Ethics & Conduct v. Horn, 526 N.W.2d 301, 301 (Iowa 1995).

We reject Ronwin's argument that the "clear and convincing" standard, the highest civil law standard of proof, is required in disciplinary cases to avoid successful constitutional challenge. We purposefully adopted the standard in

Kraschel and rejected a more stringent standard in Committee on Professional Ethics & Conduct v. Brodsky, 318 N.W.2d 180, 182 (Iowa 1982).

II. Absolute Immunity.

Ronwin argues he cannot be disciplined for statements contained in his pleadings and appellate briefs in federal court because of his constitutional First Amendment rights. He urges that all participants in a judicial proceeding have an absolute constitutional right to access to the courts and that to deny an attorney this protection, while providing laypersons with absolute immunity, would violate his equal protection rights.

The Iowa Supreme Court has exclusive power to admit persons to the practice of law in the courts of this state. Iowa Code § 602.10101. We may revoke or suspend the license of an attorney to practice law in this state. Iowa Code § 602.10121. Included in the grounds for revocation or suspension of the license of an attorney is the willful violation of the duties of an attorney.

Iowa Code § 602.10122(3). The obligations of an attorney under the statute include the duties:

> (1) To maintain the respect due to the courts of justice and judicial officers.
>
> (2) To counsel or maintain no other actions,proceedings, or defenses than those which appear to the attorney or counselor legal and just, except the defense of a person charged with a public offense.
>
> (5) To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which the attorney or counselor is charged.
>
> (6) Not to encourage either the commencement or continuance of an action or proceeding from any motive of passion or interest.

Iowa Code § 602.10112(1), (2), (5), (6).

Disciplinary proceedings against an attorney charged with violation of disciplinary rules arising from statements and accusations contained in pleadings and briefs do not infringe upon the attorney's constitutional right to freedom of speech. In Garrison v. Louisiana, 379 U.S. 64, 75, 85 S.Ct. 209, 216, 13 L.Ed.2d 125, 133

(1964), the Court said:

> Calculated falsehood falls into that class of utterances which "are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefits that may be derived from them is clearly outweighed by the social interest in order and morality." Hence the knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.

(citation omitted)(citing Chaplinsky v. New Hampshire, 315 U.S. 568, 572, 62 S.Ct. 766, 769, 86 L.Ed. 1031, 1035 (1942)).

We have upheld the suspension of an attorney whose criticism of a judge went beyond the limits of fair criticism of the court. In re Glenn, 256 Iowa 1233,1238, 130 N.W.2d 672, 675 (1964). We rejected a First Amendment claim arising from statements made by an attorney in his petitions for rehearing following supreme court decisions. In re Frerichs, 238 N.W.2d 764, 765-66, 768 (Iowa 1976). In Frerichs, we found the conduct involved is generally held not to be protected by the freedom of speech guarantee

under the First Amendment, id. at 768, and recognized "a lawyer, acting in a professional capacity, may have some fewer rights to free speech than would a private citizen." Id. at 769. Our authority was derived from In re Sawyer 360 U.S. 622, 646-47, 79 S.Ct. 1376, 1388, 3 L. Ed.2d 1473, 1489 (1959) (Stewart, J., concurring), where the Court stated:

> A lawyer belongs to a profession with inherited standards of propriety and honor, which experience has shown necessary in a calling dedicated to the accomplishment of justice. He who would follow that calling must conform to those standards.
>
> Obedience to ethical precepts may require abstention from what in other circumstance might be constitutionly protected speech...

In Committee on Professional Ethics & Conduct v. Horak, 292 N.W.2d 129 (Iowa 1980), we commented:

> An attorney must not be permitted to engage in unbridled criticism of the court without basis in fact, even if, as respondent claims, it is for the ostensible purpose of asserting a basis for federal jurisdiction of a civil right claim...To permit unfettered criticism regardless of the motive would tend to intimidate judges in the performance of their duties and would foster unwarranted

> criticism of our courts. This is obviously the gist of the rules and ethical considerations involved here...

Horak, 292 N.W.2d at 130.

Other jurisdictions have accordingly recognized the limitations imposed upon an attorney's First Amendment rights. See In re Graham, 453 N.W.2d 313, 321 (Minn. 1990)(attorney's First Amendment rights are not absolute in a disciplinary action); Ramirez v. State Bar, 619 P.2d 399, 404 (Cal. 1980) (the court has jurisdiction to discipline member attorneys for defamation or disrespectful statements contained in pleadings or other court papers; "outrageous" and "unwarranted" statements concerning a judge or justice are not protected by "free speech" considerations).

III. DR 8-102(B).

We adopted the Professional Code in 1958. Under its provisions, the disciplinary rules are mandatory in character and state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action.

(Preliminary statement of the Professional Code.) DR 8-102(B) provides "a lawyer shall not knowingly make false statements against a judge or other adjudicatory officer." In Horak, we explained the basis for DR 8-102(B), citing Ethical Consideration 8-6, which provides in part:

> While a lawyer as a citizen has a right to criticize such officials publicly, he should be certain of the merit of his complaint, use appropriate language, and avoid petty criticisms, for unrestrained and intemperate statements tend to lessen public confidence in our legal system. Criticisms motivated by reasons other than a desire to improve the legal system are not justified.

Ronwin suggests that disciplinary rules governing the legal profession cannot punish activities protected by the First Amendment. He suggests DR 8-102(B) could easily encourage a dishonest judge who might recognize the protection provided by this standard. We have rejected this argument. Horak, 292 N.W.2d at 130, 131. "Our cases make it clear a lawyer's right of free speech does not include the right to violate the statutes and canons proscribing unethical con-

duct." Committee on Prof'l Ethics & Conduct v. Hurd, 360 N.W.2d 96, 105 (Iowa 1984). See also In re Palmisano, 70 F.3d 483, 487 (7th Cir. 1995) (the Constitution does not prevent either the state court or the federal court from penalizing a lawyer for making false accusations against judges).

IV. Frivolous Lawsuit - Hill.

A. Background.

On January 19, 1988, National Child Care, Inc. (National) filed a petition against Janet Dickinson, Robert Dickinson and Susan Hill in the Iowa District Court for Polk County signed by Ronwin as attorney for the plaintiff. The petition alleged the following: In late February or March 1987, Janet Dickinson (Janet) and Ronwin orally agreed to form a corporation for the purpose of owning and operating child care centers. On March 30, National was incorporated in Iowa. Janet was to be a stockholder, director, and officer of National with responsibility for management of child care centers which National plan-

ned to build or acquire. Ronwin was a stockholder, director, and officer of National with responsibility for growth and development of National. He located potential sites, acquired real estate contracts, served as an architect[1], and negotiated financial agreements. Later, Janet demanded that her share of ownership in National be more than fifty percent. She also demanded that if and when National paid salaries, her salary would be greater than Ronwin's salary. Her demands were rejected by Ronwin, and Janet then severed her connection with National on October 20.

In the late summer of 1987 Hill took employment in the child care center operated by Janet. The petition alleged that, while National was attempting to secure rezoning of a tract of land in Windsor Heights for development of a child care center, Hill "insinuated herself into the

---

[1]Ronwin did not serve as architect. Mr. Marshall Goodman did and drew plans, A68-69. [Footnote supplied by RONWIN].

process, casting deliberate disparagement upon Ronwin's efforts...in the rezoning process, and encouraged Janet to sever her connection with National and, instead, to join with Hill in the child care business." The petition asked for damages in excess of $2 million against each defendant for lost corporate opportunities and prospective advantages, and asked punitive damages in excess of $2 million against each defendant[2]. The petition was later amended to allege Hill knew of Janet's contractual relationship with National at the time she induced Janet to breach the contract and tortiously interfered with National's prospective business opportunities.

---

[2]Opinion is again incorrect. $2 million was asked "jointly and severally," not against each defendant. Likewise as to punitive damages. JANET's destruction of the $400,000 funding from the St. Louis firm, which was more than enough to build and operate a child care center, A68-71,led, in turn, to the loss of approximately $100,000 in net income per year, A70-71. At the modest 20 times earnings commanded by child care company stock, (usually greater), NATL's loss was at least $2 million, A71. [Footnote supplied by RONWIN].

The suit was dismissed by the court when National failed to secure new legal counsel. On appeal we held Ronwin was a lawyer-litigant who could appear in court to testify and represent his own interest. National Child Care, Inc. v. Dickinson, 446 N.W.2d 810, 811-12 (Iowa 1989). We remanded for trial.

Jury trial commenced on May 20, 1991, with Ronwin and attorney Spohr, (corrected to "Sporer"), appearing as counsel for National. Janet and Robert Dickinson were represented by attorney Thompson. Hill was represented by Reed of Legal Aid, a nonprofit corporation. After the plaintiff rested on May 30, Judge Hutchison granted defendants' motions for directed verdicts. The court found Ronwin had no evidence against Hill that in any way supported the claims against her. After the defendants filed a posttrial motion for sanctions under Iowa Rule of Civil Procedure 80, Ronwin filed a counter motion requesting similar relief. After hearing on the motions, the court found that Ronwin had

no evidence to support his claims and that his antagonism spurred him to name Hill in the original petition and to keep her as a defendant until the directed verdict was granted. The court found Ronwin was the promoter, incorporator, sole shareholder, sole officer and director, and attorney for National. It found Ronwin controlled every aspect of National and that he was the moving force in the case. The court concluded sanctions under Rule 80 should include an award of attorney fees for Hill. Counsel for Hill filed a claim for legal services totaling over $11,000. The court awarded sanctions for legal services in the sum of $10,000, jointly and severally, against National and Ronwin personally.

Ronwin appealed both the directed verdicts and the award of sanctions. We transferred the case to the Iowa Court of Appeals. Iowa R.App.P. 401. The court of appeals affirmed the trial court's directed verdict and the Rule 80 sanctions. Ronwin filed an application for further review.

Iowa R.App.P. 402. We denied further review.

A disciplinary proceeding was then commenced against Ronwin. After the commission had heard the testimony and reviewed the exhibits, including the trial transcript and Ronwin's 101-page, post-hearing brief, the commission found "the evidence is very clear and well substantiated that [Ronwin] had no basis for his lawsuit against Susan Hill..." The commission also found Ronwin had filed frivolous lawsuits in both state and federal court against Hill and others.

B. Findings.

We find Ronwin filed and participated in a frivolous lawsuit against Hill. The Board has proven by a convincing preponderance of evidence that Ronwin's actions violated DR 7-102(A)(1) and that he should be disciplined. Every lawyer has an obligation "not to clog the court with frivolous motions or appeals." Polk County v. Dodson, 454 U.S. 312, 323 n.14, 102 S.Ct. 445, 452 n.14, 70 L.Ed.2d 509, 520 n.14 (1981).

Ronwin argues Hill's involvement in the plan-

ning and zoning meeting in September, 1987, and in the settlement conference in December, supports the claim that she interferred with National's contract with Janet and its prospective business advantage.

Hill was hired by Janet to prepare meals for children attending her child care center. She applied for the position after her daughter, who was working at the center, told her of the opening. Hill's work experience since 1971 had been as a clerk in a department store. She was elected to the Clive City Council in 1986 and served in that capacity until 1990. As a council member, she had general knowledge about zoning procedures in Clive. She worked as a cook for Janet from August, 1987 to June, 1988. Hill had no prior experience working in a child care facility or any interest in the child care business.

She attended the first fifteen minutes of the planning and zoning meeting on September 19. Ronwin was challenging one of the board member's

right to participate. After attending the first part of the meeting, Hill attended a Clive City Council budget meeting. After the budget was over, she returned to the planning and zoning meeting. She observed Ronwin was caustic and threatening in his presentation of the request for rezoning. When Ronwin finished his presentation, Hill spoke on behalf of the request. She told the board she worked for Janet, that Janet ran an excellent day care facility, and that everyone needed a day care facility in their community. The request for rezoning was turned down. Following the meeting, Hill observed Ronwin and Janet in the parking lot discussing the meeting. Ronwin was very angry.

Ronwin stated he knew the planning and zoning commission would not grant the rezoning request. They had not granted such a request in the past twenty years. His hope was that the city council would overrule the planning and zoning action and grant his request for rezoning. He appealed the planning and zoning decision but the city

council, at its meeting on the evening of October 19, denied his request. Janet severed her connection with National the following day.

Two potential investors, Lynn and Hillman, flew to Des Moines to meet with Ronwin and Janet regarding financing. At trial, a letter dated September 25 from Lynn to Janet was admitted into evidence. The letter suggested they would be interested in investing some money but wanted Ronwin's interest in the business reduced. In Ronwin's pleading in federal court he stated:

> Just prior to the Lynn/Hillman tour of Des Moines, Janet told Ronwin that "we've got the money," from the Lynn/Hillman group; but Janet then began to demand more than fifty percent of National and destroyed the opportunities by her action.

Hill attended a settlement conference in the Davis law firm office in December, 1987. Janet had told Hill that Ronwin was suing her and a number of others, including Hill. Hill attended the settlement meeting because she wanted to know why she was being sued. Her appearance at the meeting could not have precipitated the

alleged breach of the agreement on October 20. Hill did not discourage Janet from settling Ronwin's claims against her.

It is obvious the refusal to rezone the Windsor Heights property was not the result of Hill's participation at the zoning meeting. In his pleading in federal district court, Ronwin stated: "Hill was not an intended defendant in National's action against Dickinson until after the settlement conference." Ronwin knew Hill's comments to Janet concerning the zoning meeting did not produce the alleged breach of contract, but he named her as defendant as a trial tactic. The naming of Hill as a defendant was an unfounded and frivolous claim.

V. False Accusation Against Judge and Others

A. Background.

National and Ronwin filed a forty-nine page complaint in federal court after the Iowa appellate court had denied its appeal. Included as defendants were Judge Hutchison, Judge Donielson of the Iowa Court of Appeals, who participated

in the decision, Chief Justice McGiverin of the Iowa Supreme Court, who signed the order denying further review, attorneys Thompson, Reed, Oberbillig, the Davis law firm, Janet Dickinson, Robert Dickinson, and Susan Hill. The action alleged: violation of the plaintiffs' constitutional rights under the First, Fifth and Fourteenth Amendments; violations of 42 U.S.C. §§1983, 1985(2)(3) and 1986 (1994); and fraud, abuse of process, violation of fiduciary duty, and infliction of severe emotional distress.

In the complaint, Ronwin alleged Judge Hutchison's statement at the time he granted directed verdict, "that there was not one shred of evidence that would support any possible claim," is and was deliberately false. His complaint further stated the following: "Hutchison was deliberately lying to set the stage to help Dickinson and Hill steal $30,000 from Ronwin." "The entire trial and other proceedings before Hutchison were rigged..." "Hutchison's statement, particularly on the alleged silencing of poten-

tial witnesses, is a deliberate fraud and lie, and patently so." "The acts and omissions of the defendants (including Hutchison) amount to a gigantic fraud...to steal at least $30,000 from National or Ronwin."

The federal district court dismissed the complaint. Ronwin appealed to the Eighth Circuit Court of Appeals. In his thirty-nine page appellate brief he stated the following: "Hutchison entered a directed verdict...on grounds...he knew were false." "Hutchison committed these transactions in conspiracy with the appellees and with others not named as defendants in the state action..." "Hutchison's conduct amounts to criminal obstruction of justice." "The key player, Hutchison, is shown to have deliberately entered into a fraudulent directed verdict..." "Hutchison's statement as to the phrase 'macho image' was a deliberate lie." "Hutchison's conduct sums, among other things, to the deliberate entry in the state case of a fraudulent, final judgment and an equally fraudulent and

fabricated rule 80 ruling." "Hutchison's entry of two deliberately fraudulent fabricated and unlawful judgments..." "Hutchison knowingly lied in fabricating the two judgments he entered in the state case." "Hutchison deliberately lied in the state court." "The trial court's action (federal district judge) gives comfort and encouragement to the criminal conduct of Hutchison ..."

In his thirty-five page reply brief, Ronwin stated the following: "[National and Ronwin] presented a catalog of Hutchison's deliberate lying and biased acts which led to his entry of a fraudulent directed verdict." "Hutchison's directed verdict and Rule 80 ruling were deliberate frauds and denial of due process and equal protection of the law...and that the proceedings from which they emulated were rigged... trials with predetermined conclusions and the rendering of deliberately fraudulent judgments." The Eighth Circuit affirmed the federal district court's dismissal.

B. Findings.

We find Ronwin has repeatedly accused Judge Hutchison of deliberately lying and rendering a fraudulent judgment. He charged Hutchison and other judges and lawyers with conspiring to violate his civil rights. He stated Hutchison's acts were not the result of incompetence but of deliberate criminal abuse of power. He claims Judge Strickler, an unnamed defendant, enlisted Hutchison to "get Ronwin." He stated that the acts of the court of appeals' panel were Donielson's acts and were done in the furtherance of the conspiracy, and that Donielson knowingly acquiesced in Hutchison's unlawful activity. He stated that Chief Justice McGiverin signed the denial of his application for further review "as a matter of rote and not as a product of a deliberate truly careful examination of the issues presented for appellate review. His rote signing was in support of the conspiracy," and that "McGiverin had the duty to guard against and squelch the fraud and corruption that is rife in

the Fifth Judicial District."

Ronwin attacked a number of attorneys who had represented clients or provided affidavits in the lawsuit in state court. He stated that attorney Thompson "deliberately lied to the courts involved on numerous occasions, with impunity." He also stated that the Davis law firm and other attorneys in that firm were "part of a conspiracy to deprive National and Ronwin of their constitutional rights...and to inflict various tortious injuries on him." He referred to the acts of the defendants amounting to a gigantic fraud. Ronwin alleged attorneys Thompson and Reed, and Judge Hutchison used the judicial process to foster anti-Semitism by reference to two fraudulent decisions: In re Ronwin, 555 P.2d 315 (Ariz. 1976), and In re Ronwin, 667 P.2d 1281 (Ariz. 1983).

In Ronwin's appellate brief to the Eighth Circuit he alleged Donielson, a member of the Iowa Court of Appeals, joined in a conspiracy by deliberately approving Hutchison's actions which

are patently false. Ronwin alleged McGiverin, by denying the application for further review, deliberately joined in Hutchison's actions. Ronwin stated "anyone who seriously maintains that this action is frivolous is dishonest and corrupt," adding "the [federal] trial court's action gave comfort and encouragement to the criminal conduct of Hutchison, Donielson, and other appellees."

Ronwin's pleadings and briefs filed in federal court constitute conduct that is prejudicial to the administration of justice and adversely reflects on the his fitness to practice law. In procecuting the federal suit and its appeal, Ronwin failed to maintain the respect due to the courts of justice and judicial officers, failed to abstain from offensive personalities, and maintained the action and appeal from a motive of passion. Ronwin violated DR 1-102(A)(5)(6), DR 8-102(B) and Iowa Code section 602.10112.

VI. Disposition.

Ronwin states he is seventy-two years old.

After serving in the Armed Forces in World War II, he attained a bachelor's degree in chemistry, a masters in chemistry, and a doctorate degree in biochemistry. He was involved in research and teaching for about twenty years. He entered law school at Arizona State University in 1971 and graduated with a J.D. degree in January 1974. He was admitted to practice in Iowa in June 1974.

In determining appropriate discipline, we must consider the attorney's fitness to continue in the practice of law, the deterrence of others from similar conduct, and assurances to the public that the court will maintain the ethics of the profession. Hurd, 360 N.W.2d at 105.

Ronwin maintained a frivolous lawsuit and appeal against Hill. He viciously accused Judge Hutchison of fraud, dishonesty, and conspiracy to deprive him and National of their civil rights. He made similar charges against other judges and justices because they failed to grant him the relief he requested. He also brought

frivolous suits against attorneys who represented parties to the litigation.

The disciplinary rules clearly prohibit lawyers from filing a suit, or asserting a position, when the lawyer knows or it is obvious such action would serve merely to harass or maliciously injure another. DR 7-102(A)(1). Ronwin's suits against Hill, both in state court and federal court, violated this rule. We view the suits to be particularly reprehensible because she was an innocent outsider with no financial means to defend the suits. Likewise, the suits against attorneys who happened to represent parties to the litigation were unjustified and in violation of the rule. Ronwin's repeated filing of suits and appeals without justification warrants severe punishment.

A court may find disbarment is justified when grossly disrespectful allegations are made, such as suggesting certain judges and justices were conspiring to conceal a crime, and when the allegations are totally unfounded and clearly a

violation of the Canons of Professional Ethics. In re Whiteside, 386 F.2d 805, 806 (2d Cir. 1967). We are not willing to tolerate repeated false malicious accusations of judicial dishonesty. Lawyers who make frivolous and unsupported allegations of criminal conduct against judges deserve harsh punishment. See Standing Comm. on Discipline v. Ross, 735 F.2d 1168, 1171 (9th Cir. 1984).

We have considered other arguments raised by Ronwin and find them to be without merit. Ronwin's license to practice law in the courts of Iowa is revoked.

LICENSE REVOKED.

(Court seal and Clerk's certification of copy sent to Ronwin)

BEFORE THE GRIEVANCE COMMISSION
OF THE IOWA SUPREME COURT

IOWA SUPREME COURT BOARD OF PROFESSIONAL ETHICS AND CONDUCT,	) Docket No. 364
Complainant,	)
vs.	) RESPONDENT'S POST-HEARING

EDWARD RONWIN,) BRIEF
)
Respondent.)

* * *

[p.34]

8. Consideration of HILL's Complaint

Preliminarily, NATL's Opening Brief to the Iowa Supreme Court referred to the trial transcript in the Iowa trial as "RTT" and to the Rule 80 motion hearing transcript on August 30, 1991, as "RT." According to GRACE's [BOARD's counsel] comments in HT, [transcript of Grievance Commission hearing], P.66, lines 12-14, wherein he offered the transcript of the Iowa trial as Exhibit 2, the exhibit consists of 4 volumes labelled 2A, 2B, 2C and 2D, respectively. Since the trial transcript, RTT, consisted of 3 volumes, one of the four, likely 2D, is the transcript, RT, of the August 30, 1991 Rule 80 motion hearing, ("80 HEARING").

Also admitted at the 9/21/95 hearing was the Appendix in the Iowa appeal, ("APP"), filed by NATL as Exhibit 1. [That is an erroneous state-

ment; Exhibit 1 at the DIVISION hearing was filed by GRACE, p. 66, line 19 to p.67, line 1].

A large part of the testimony on HILL's actions by HILL dealt with a meeting of the Windsor Heights Planning and Zoning Commission, ("P&Z"), and events surrounding it. The other aspects of HILL's activities which received attention at the Iowa trial, ("TRIAL"), were the events concerning the settlement conference at the DAVIS law firm offices in late December, 1987, wherein SALSBERY and his wife, PATRICIA SHOFF, (JANET's sister), are attorneys.

(a) Background Leading to the P&Z Meeting and Some Perjury by HILL

In his work on NATL's behalf, RONWIN found a 1 acre site,...Windsor Heights,

[p. 35]

Iowa..With JANET present, (although she later denied her presence under oath), RONWIN bought the land for NATL with a $200 down payment and a 6 month deadline to complete the purchase which was intended to allow for the processing

of an application for rezoning,...

To the east of the land sat and sits a long row of retail establishments...Immediately to the south, the owner of the tract sold to NATL, ("BURKE") has his home facing 69th Street; and on both sides of 69th Street sat homes on lots originally owned by BURKE. One of those homes was owned and occupied by a party named NOBLE whose house was situated within the circle prescribed by Windsor Heights zoning ordinance who had the right to vote on NATL's application for rezoning as a preliminary step before the application could be filed with the city. NOBLE was an adamant opponent of rezoning the tract, which was partly zoned R-2 and R-1, to any classification that would allow commercial use of the land, APP., 426-428. And, NOBLE was a member of the P&Z. As such, whether NOBLE was for or against the rezoning of said land, NOBLE had a conflict of interest.

At TRIAL, RONWIN testified, without contradiction, that nobody had succeeded in getting re-

zoning for the tract for at least 20 years APP, 422. FRANK MONA's testimony shows that he was twice refused rezoning on the tract and then invited for a third try but abandoned his effort, APP. 566-567. There were others who

[p.36]

tried for rezoning including one lady who wanted to start a child care center, but all were persistently refused rezoning. RONWIN was "prepared for a negative determination [by the P&Z], APP., 518.

RONWIN's job was to address P&Z on NATL's behalf, APP. 422; the audience was badly behaved and the chairman was inept, APP. 423; BURKE, then age 94, was hooted and howled at, so, in the absence of action by the chairman, RONWIN did something about that, APP. 423; the audience was composed mainly of opponents, APP. 424.

JANET told RONWIN that HILL was giving advice to JANET on NATL's zoning application, APP. 236-237, 483, 517. Right after the P&Z hearing, JANET was hysterical due to HILL, APP. 519-521,

who gave opinions on a matter on which HILL was unqualified to speak, APP. 517-518 and on a proceeding from which RONWIN, as above, was "prepared for a negative determination," APP. 518. HILL's incitement of JANET reflected HILL's marked hostility to RONWIN as NATL's representative as mirrored in HILL's testimony, to-wit: HILL claimed RONWIN had a "caustic attitude" toward P&Z, APP. 320; RONWIN allegedly left a "bad taste in everybody's mouth," APP. 320, (but, admitted she didn't know who had the "bad taste" APP. 322); felt RONWIN made a poor presentation, APP. 323; RONWIN was "hostile", APP. 324, and "inconsiderate", "abrasive", "made a lot of accusations toward [P&Z]" and "used a very loud voice", was "inflammatory" toward P&z, APP. 343. YET, HILL admitted that she: had no city planning training; no experience in real estate, (other than a personal home); was unfamiliar with Windsor Heights zoning ordinances; was never before the Windsor Heights P&Z prior to instant

[p.37]

hearing; owned no real estate in Windsor Heights; knew no Windsor Heights P&Z members; APP. 315-317; not a trained advocate or lawyer, APP. 323; unaware of the conflict of interest of a P&Z member, (NOBLE), APP. 325-327; admitted not knowing any details of the zoning ordinance being sought (by NATL), APP. 327; didn't know how many applications to rezone had been made and knew no one who had previously attempted to rezone the property, APP. 327; sought opinions from no one at P&Z hearing, APP. 345, (how come HILL knew that the audience had a "bad taste"); and admitted that all her criticisms of RONWIN's approach to P&Z does not mean that RONWIN's approach was "wrong", APP. 350, which effectively was an admission that HILL did not know what she was testifying about and refuted her hostility to RONWIN, (and NATL), as being based on RONWIN's performance at the P&Z hearing.

But that isn't all.

HILL's interference in NATL's zoning matter

was intentional and uninvited; thus, HILL denied that JANET asked her for advice, APP. 339; admitted going voluntarily to the P&Z hearing, APP. 318; admitted knowing of "JANET and RONWIN's" interest in the rezoning, APP. 319 and that the child care center was for NATL, APP. 320; admitted speaking at the P&Z hearing without request from the "principal parties," APP. 324. Clearly, HILL intentionally inserted herself into NATL's prospective business expectancies and contract relations with JANET and was aware that JANET had a relationship to NATL, and, clearly, HILL had a hostile and improper motive fueling her interferences.

[p. 38]

By her own testimony, HILL's description of events at the P&Z hearing has to be false. HILL acknowledged that the P&Z hearing consumed over 2 hours, APP. 341-342; however, HILL's presence started at the beginning and HILL spent only 10 to 15 minutes; left, and returned for another 10 to 15 minutes at the end of the hearing, APP.

340. Out of the time HILL was present, she admitted that an unidentified man took 2 minutes of meeting time, APP. 342. RONWIN was invited to speak following that event and RONWIN testified at TRIAL that the first thing he did was to challenge P&Z member NOBLE's right to sit since, as noted above..,NOBLE lived in the zone of property owners who could vote on the petition for rezoning and had been adamantly against rezoning of the tract for years, APP. 426-428. While no time is given in the record, the process consumed a good 15 minutes by which time HILL had left, APP. 340. [The following footnote occurs at this point:

> The reason for the time consumption was that the assistant, or substitute, city attorney of Windsor Heights who sat in the place of the regular city attorney, who was ill, said that he needed to search the Iowa Code's sections of conflicts of interest involving public officials. That he did and after doing so returned to announce that he thought NOBLE could continue to sit. That process required a good 15 minutes.]

Likewise, by the time HILL returned for the last 10 to 15 minutes, RONWIN's discourse was well

over and various members of the audience were giving their views, APP. 428. HILL's testimony as to her observations at the P&Z hearing on RONWIN's performance therein are wholesale fabrications, since, by her own testimony, HILL could not have been present to observe RONWIN's performance.

Not unexpectedly, as noted above..., P&Z voted against the

[p. 39]

rezoning with no "yes" votes; however, a letter was read at the hearing from an absent member of the P&Z declaring his preference for the rezoning. RONWIN viewed the P&Z hearing as a necessary if semi-unpleasant, step to putting the question to the City Council. In preparation for that hearing, RONWIN collected about 2,000 signatures from Windsor Heights residents in favor of the rezoning efforts. The opponents, learning of RONWIN's efforts, started their own drive for signatures for their position but managed to obtain less than half the number of signatures

produced by RONWIN. In comparison to the almost free-for-all atmosphere at the P&Z hearing, the City Council meeting was well chaired by the Mayor. At the end, one of the councilman put a considerable complement on RONWIN's presentation on the record--which was recorded on tape. However, the Council would not be moved from the position it had taken on the rezoning of the tract for about two decades.

RONWIN did explain to the City Council that there were grounds for suit against the City. The reason for that was not that they "crossed" RONWIN, as GRACE kept arguing without clear and convincing evidence at the 9/21/95 hearing, but because the zoning ordinance of Windsor Heights, at least at the time, (RONWIN does not know if it has been amended since 1987), was so vague that it was absolutely uncertain if (i) rezoning was really necessary, especially since a public grammer school was allowed to conduct a child care center on R-1 zoned land, or (ii) whether R-2, which the land was partially zoned, or some

commercial zoning status was required. In brief, the matter was clearly an issue for the courts

[p. 40]

to decide.

HILL denied talking to JANET about NATL or RONWIN, at least until after the Iowa suit began APP. 330-331, 339. HILL also answered an interrogatory asking if she ever had conversations or communication with either DICKINSON concerning JANET's relations with NATL and with RONWIN, with a categorical "no," APP. 64; yet, to the same interrogatory, JANET answered, "too numerous to mention" and included HILL as one of the communicants, APP. 62; and, JANET reiterated that stance in the Rule 80 motion hearing and specifically noted that her communications on the subject with HILL were "too numerous to mention," APP. 774-776, specifically 776, lines 23-26. Both HILL and JANET answered under oath; one has got to be lying. Since JANET has nothing to gain from her answer, but HILL has more to gain from a denial than an admission, it is likely

that HILL is lying as she surely was in her testimony on the events at the P&Z hearing.

(b) HILL and the Settlement Conference

In December, 1987, SALSBERY and RONWIN convened a settlement conference on the disputes between NATL, RONWIN and JANET. HILL was not a party to same as shown by the original typing on the proposed settlement agreement; nor was ROBERT,...Sometime after the conference, SALSBERY added HILL's name to the proposed agreement. HILL testified that: JANET told her that RONWIN was [allegedly] going to "bring potential lawsuits or threatening lawsuits -- with maybe 10 to 15 people" and HILL was [allegedly] "one of them," APP. 332;

[p. 41]

that she was not invited to the conference by JANET nor by RONWIN, nor does HILL remember JANET saying that HILL should be present; nor did HILL attempt to learn from RONWIN why RONWIN was [allegedly] threatening to sue her, APP. 332-333, 495. No one other than JANET told HILL

that she was [allegedly] going to be sued by RONWIN, APP. 495. Clearly, HILL came to the conference voluntarily and admitted that at the conference she threatened to sue RONWIN for alleged defamation, APP. 495.

Missing from RTT, (which RONWIN did not tape record), is RONWIN's testimony in an offer of proof that when RONWIN challenged HILL to explain the alleged defamation, HILL said she was going to speak to "her lawyers," who ultimately turned out to be the LEGAL AID SOCIETY OF POLK COUNTY. That testimony is found in the deposition of RONWIN, (which RONWIN did tape), at p. 232. [The following footnote appears at this point:

> There is a tendency to skepticism when someone claims tampering with an official record, particularly in a judicial proceeding. RONWIN makes the claim because it is true. RONWIN found it necessary to make the claim in the Arizona Affair and the proof was maximal, to-wit: The court reporter so stated in an affidavit,...].

RONWIN also testified, and it, too, is missing from RTT, that HILL was not originally a defen-

dant, but HILL persisted in being an officious intermeddler who was hostilely angling for an improved economic arrangement since she was then getting divorced and working as a cook, see deposition of RONWIN, 228-229. What finally caused HILL to be included as a defendant in NATL's suit was that, in addition to her outrageous incitement of JANET against RONWIN, as NATL's re-

[p. 42]

presentative, and her efforts to get JANET to drop her relationship with NATL, HILL, with no original stake in the settlement conference, and with hostility and wilful intent, inserted herself therein and was reported to RONWIN by SALSBERY to have urged DICKINSON to reject the settlement, APP. 506; depo. of RONWIN, 227. After that, HILL was named as a defendant in NATL's suit...

It is appropriate at this point to compare HILL's testimony at the 9/21/95 hearing with HILL's testimony at TRIAL. [In the interests of conserving paper, only some of the examples dis-

cussed with be given below]:

* * *

At HT, P. 71, lines 11-25, HILL denies knowing much about the relationship between NATL, JANET and RONWIN; yet, at TRIAL she admitted knowing that there was a relationship and that the rezoning was for NATL and that JANET and RONWIN were involved, see discourse on HILL's testimony above at **[p.37]**; see also RTT, pp. 365, 366, 369, 372. HILL may not have seen any actual paper contract, but that does not mean she did not know of the NATL, JANET and RONWIN relationship. In fact, her testimony at TRIAL is to the contrary; she did know, **[See A38]**.

At HT, p. 73, lines 18-25, HILL testified that, in effect, she did not give advice to JANET about the P&Z hearing, but JANET stated under oath and in answer to the same interrogatory as posed

[p. 43]

to HILL, that she, JANET, talked to HILL about NATL and RONWIN's relationship with JANET, on

instances "too numerous to mention," as related above.

* * *

At HT, p. 75, lines 3-4, HILL testified that she doesn't "specifically remember times"; yet, she was fairly precise in her testimony at TRIAL, stating that she spent 10-15 minutes at the start of the P&Z meeting and then 10-15 minutes at its end, see above at [p. 38].

At HT, p. 77, lines 19-21, HILL testifies that RONWIN was still making his presentation when she got back; yet, at TRIAL, the times to which HILL testified were such that RONWIN must have completed his presentation, see above at [p.38]. Notably, HILL did admit, consonant with her TRIAL testimony that she was at the P&Z hearing [p.44]
for a very small time at the start of the hearing before leaving, HT, p. 76, lines 3-6.

At HT, p. 84, lines 19-23, HILL testifies that she had no knowledge as to whether or not the relationship between RONWIN and JANET had ceased

in December, 1987. Since the settlement conference into which she inserted herself, occurred in that month, and anyone alive at that conference must have known that JANET's relationship with NATL, and thereby with RONWIN, was cleaved, (thanks, in part, to HILL's actions). HILL has got to be lying.

Further proof is supplied by HILL's testimony at HT, p. 85, lines 9-21, wherein HILL admits that JANET told HILL that JANET was "getting sued" by RONWIN. That event is timed as occurring subsequent to October 20, 1987 and since the settlement conference in December, 1987 was intended to avert that suit and settle JANET, NATL and RONWIN differences, HILL must have known prior to that settlement conference that the relationship between JANET, on the one hand, and NATL and RONWIN, on the other hand, was cleaved.

But in that testimony at HT, p. 85, lines 9-21, HILL states that JANET told her that "Ed is suing approximately 20-25 more -- other people,

and [HILL's] name is on the list," see lines 19-21. At TRIAL, HILL testified that the number of people RONWIN was additionally, and allegedly, going to sue was "10 to 15," see above at **[p.40]**. Between the TRIAL, HILL's count increased by 10 people. Where did they come from, and, incidentally, what specific identification was ever presented? Could it be that HILL can't count?

At HT, p. 86, lines 12-20, HILL testified that she came to the

[p. 45]

settlement conference "[b]ecause I wanted to find out why I was going to be sued," lines 19-20. That is consistent with her testimony at TRIAL, but, the testimony has got to be false. If HILL wanted to learn why she was [allegedly] going to be sued, she did not have to attend a conference to which she admitted she was not invited and at which she had no more reason to expect to learn why she was going to be sued than if she hadn't attended the conference. All

HILL had to do was ask RONWIN if she was going to be sued. She could have done that by telephoning, or by writing a letter of inquiry to RONWIN. Proof that she was not even considered as a party to the affair at the settlement conference is shown by the typed portion on p. 1 of the proposed settlement agreement...If she was supposed to be a party to be sued, as JANET was, then her name would have appeared in the draft, which was the product of both SALSBERY and RONWIN. HILL's statement under oath as to why she attended the conference is false; perjury, that is. HILL attended the conference to interfere with the possible settlement, which she did, as SALSBERY reported to RONWIN. In fact, at the settlement conference, RONWIN asked her what she was doing there and HILL replied that she came to give JANET a lift because ROBERT, who was also present, was going off in a different direction from JANET and ROBERT had come in the same vehicle.

At HT, p. 87, lines 18-20, HILL denies, under

oath, that she did not threaten RONWIN; yet, at the TRIAL, HILL admitted, also under oath, that she threatened to sue RONWIN for defamation, see above at [p.41]; see also APP. 495.

[p. 46].

At HT, p. 88, line 1 to p. 89, line 9, HILL testified that she was represented by FRED GAY, (of LEGAL AID SOCIETY) when she approached RONWIN to talk about settlement. RONWIN was not aware of that representation at the time and HILL told RONWIN that she had not yet gotten an attorney. If GAY knew that HILL was going to meet with RONWIN, and even suggested the meeting, then GAY should have told RONWIN that he was representing HILL. RONWIN would not have talked with HILL at all.

At HT, p. 89, lines 16-19, HILL testified that the proposed settlement between her and NATL would have required her to quit her then job with JANET. That is as false as most of the rest of her testimony, either at TRIAL or in the 9/21/95 hearing.

At HT, p. 90, lines 5-6, HILL alleges that RONWIN told her that NATL was suing her because of her "address" and her "fur coat." That is absolute garbage. RONWIN does not know for sure where HILL lived at the time, but believed it to be the area just to the west of 86th Street in Clive, Iowa. At the time, RONWIN lived just east of that street. That area has modest homes and one would not consider them "opulent", (not that the fact that someone occupied a wealthy appearing home would cause RONWIN to bring suit on any account). Even less cause to sue anyone, which means zero, cause to sue would be the fact that they might own a "fur" coat.

At HT, p. 90, line 23 to p. 91, line 9, HILL testifies that at the time she was sued, (the petition was filed on January 19, 1988), her "husband was unemployed." At the time HILL started working for JANET in August, 1987, she was in the process of

[p. 47].

getting a divorce!

[p. 50].

(c) Why HILL's Conduct Sums to Interference with NATL's Contract With JANET and With NATL's Prospective Business Expectancies

Viewing HILL's conduct, as reflected in TRIAL testimony, why does that conduct sum to intentional interference with NATL's contract with JANET and with NATL's prospective business expectancies?

The elements of each tort was announced by the Iowa Supreme Court, for example, in Nesler v. Fisher & Co., 452 N.W.2d 191 (Iowa 1990)...exact words used in some decisions are not identical to those in others;...However, there exists a general understanding of the elements of the two torts and Nesler states them as well as most decisions.

In brief, the elements of each tort is as follows:

Intentional Interference With Contract, 452 N.W.2d @ 198:

(i) Plaintiff has contract with (name)

(ii) Defendant knew of the contract (or of a relationship)

(iii) Defendant intentionally and improperly interfered with the contract (or with the contract by interfering with the relationship)

(iv) The interference caused non-performance of the contract or caused the performance to be more burdensome or expensive

[p. 51].

(v) amount of damage (or damages caused)

Intentional Interference With Prospective Business Advantage, 452 N.W.2d @ 198-199:

(i) Plaintiff had a prospective contractual relationship or business relationship with (name)

(ii) Defendant knew of the prospective relationship

(iii) Defendant intentionally and improperly interfered with the relationship by (particulars)

(iv) Interference caused rupture of expectancy or prevented expectancy

(v) amount of damage (or caused damages) and, as to this tort, there is a required purpose to financially injure or destroy plaintiff, 452 N.W.2d @ 199, (the "hostile" motive).

The elements of both torts are identical, except that the interference with business expectancies requires a "hostile" motive. In discussing the nature of the hostile element concerning interference with "prospective contracts," by which the court means interference with prospective "business expectancies," the court in Farmers Co-Op. El. Inc., Duncombe v. State Bank, 236 N.W.2d 674, 681 (Iowa 1975), spoke as follows:

> ...[the defendant] must have acted in part at least for the purpose of bringing [the interference] about. It need not, however, be his sole purpose, or even his primary one; and the fact that his primary objective was that of securing benefits for himself will not prevent a purpose also to cause harm to the plaintiff.

First, keep in mind that both HILL's and RONWIN's testimony is evidence. Keep also in mind that evidence is evidence whether believed

or not. Keep in mind the testimony of HILL as discussed

[p.52].

above with respect to her activities in regard to the P&Z meeting and the settlement conference.

Second the testimony reveals the following:

(i) HILL testified that she was aware of a business relationship between NATL, RONWIN and JANET, (a contractual relationship. The Iowa Court of Appeals reversed HUTCHISON on one point, finding that there was a contract between JANET and NATL,..). In this respect, keep in mind that, JANET's testimony was that she and HILL conducted conversations about JANET's relationship with NATL and with RONWIN, on occasions, "too numerous to mention." And, these conversations occurred from the time HILL joined JANET's center in late August, 1987 to October 19, 1987, when JANET left NATL, and beyond until both were sued by NATL. Ah, a shred of evidence.

(ii) HILL testified that she was aware that

NATL was trying to obtain a rezoning in Windsor Heights (= a business expectancy). Ah, a shred of evidence. Also, HILL testified that she inserted herself into NATL's efforts to obtain rezoning.

(iii) RONWIN testified that HILL interfered with JANET's relationship with NATL by inciting JANET against RONWIN and NATL, see above at [p.36]; also see APP. 519-521. Ah, a shred of evidence.

(iv) RONWIN testified that JANET's relationship (contract) with NATL was ultimately cleaved, and with it, a business expectancy, (an agreement to finance NATL's first child care center was destroyed), see APP. 467. Ah, a shred of evidence.

(v) HILL's testimony, as presented from TRIAL record, reflects a

[p.53].

clear hostility toward RONWIN himself as well as toward RONWIN acting for NATL,...Ah, a shred of evidence.

* * *

[p. 54].

(d) As to HILL's interference With the Settlement Efforts -

The elements of the tort are:

(i) HILL testified that she inserted herself in the settlement conference without being asked. Her insertion was intentional...

(ii) HILL testified that she was aware of a (business) connection between JANET, RONWIN and NATL,...

(iii) HILL testified that she knew that the settlement conference was to try to settle contentions between the three parties,...

(iv) RONWIN testified that SALSBERY informed RONWIN that HILL, who had no interest in the matter, except to try to benefit personally from it, recommended, as did ROBERT, that the settlement be rejected, see APP. 506, and deposition of RONWIN, 227,...

(v) HILL testified so that her hostile attitude toward RONWIN, as himself, and as represen-

tative of NATL, was clearly evident, and she admitted at TRIAL that she had threatened to sue RONWIN for (alleged) defamation,...above [at p.41].

Taking the testimony of HILL and RONWIN as true, as HUTCHISON was required to do, the elements of the tort of interference with business expectancies, i.e., NATL's expectation of settling a business dispute with JANET to avoid a lawsuit with attendant expenditure of time, effort and money, was present. In the least, [p. 55].

HILL's testimony alone provided several "shreds of evidence."

* * *

A second fact springs forth from the evidence adduced at TRIAL. The evidence, taken as true, was certainly sufficient to warrant presentation to a jury. The jury could have found against HILL or it could have found against NATL. In fact, when RONWIN polled the jury in June, 1991, about a month after the TRIAL ended, RONWIN

found that it had been split about ½ and ½, when it was dismissed after HUTCHISON granted directed verdict.

Note here also, that both interference torts, as other torts, req uire damages to have resulted from the tort. Subsequent hereto, the evidence on damages will be presented.

9. On ROBERT's Interferences

While BOARD's testimony at the 9/21/95 hearing dwells on HILL, ROBERT's specific interferences, as adduced by the evidence at TRIAL, were:

RONWIN testified that ROBERT called RONWIN and announced, "We are not going to make a loan from Bankers Trust (a Des Moines bank), for this BURKE property, APP. 485. RONWIN also testified that on October 20, 1991, JACOBS, (a loan officer for Bankers Trust at its Windsor Heights branch), JANET and RONWIN met at the bank and Bankers Trust agreed to give NATL the request loan, APP. 434. RONWIN also testified that right after the meeting, JANET again demanded a greater ownership share of NATL and other benefits,

APP. 476-477, which RONWIN rejected; so, JANET quit NATL, APP. 434-435.

[p. 56].

Comparing that testimony with the elements of both interference torts, ROBERT showed (i) awareness of the business expectancy of NATL and that JANET and RONWIN were involved, and considered himself involved, too, hence ROBERT's use of the word, "we;" (ii) that the expectancy was a loan to complete the purchase of BURKE's property. [The following footnote occurs at this point:

> The loan was for approximately $40,000. Had the purchase been made, and even if the rezoning could not possibly be gotten, then NATL could easily have bought another property in the Des Moines area and could have sold the BURKE property at a profit, since, the property was indeed sold by BURKE to a builder for $4,000 more than NATL's purchase price, right after the deadline to complete NATL's purchase passed.]

(iii) As the other evidence discussed below shows, ROBERT knew that the land was wanted for a child care center for NATL; (iv) that ROBERT not only intended to interfere but the

reasonable inference is that, as JANET's husband and close companion, ROBERT was fully apprised of NATL's objectives, was opposed to them, worked on JANET to leave NATL, and (iv) from the result, (JANET did leave NATL on spurious grounds), succeeded in killing the loan from Bankers Trust, as his statement clearly indicated, destroying the financing agreement for NATL's first child care center and thereby caused NATL harm. And, (v) ROBERT had a hostile motive, which is entwined with the "macho image" statement to be discussed below.

Ah, more "shreds of evidence" ... **[p. 57].**

NATL needed only one interference to support its tort claims against either HILL and/or ROBERT. However, NATL presented testimony (= evidence) of other interferences by ROBERT.

RONWIN testified, without contradiction, about ROBERT's urging JANET not to go to the meeting in St. Louis, MO, with WESTPORT on September 17, 1987, APP. 456-460. Had ROBERT succeeded that

morning, it would have immediately destroyed that business opportunity for NATL, APP. 468-469, and interfered with JANET's contract with NATL. Ultimately, ROBERT did succeed when JANET refused to provide the required unaudited accounting which WESTPORT required, APP. 470-472 and quit NATL, APP. 466-468. Again, we have jury questions and further deflation of the not "one shred of evidence" theme sounded by HUTCHISON.

During the summer of 1987, JANET asked RONWIN to meet with her at her home to go over some financial figures concerning her expenses at her child care center, which financial data was being used as a basis for NATL's financial estimates. RONWIN arrived about 9:00 a.m. and JANET let RONWIN into the house. Shortly after, ROBERT entered the area where JANET and RONWIN were working and began shouting that he and JANET had to take up something first. RONWIN offered to leave and come back or to meet JANET elsewhere, but JANET insisted that RONWIN remain. ROBERT continued to make his demand so JANET told him

"where to hand his hat" and ROBERT was [p. 58]. "simmering." JANET and RONWIN continued to work for about 1½ hours and agreed to meet subsequently at the coffee shop of the Holiday Inn in West Des Moines. JANET and RONWIN did meet and RONWIN asked why ROBERT blew "hot and cold," (on other occasions, ROBERT could be very pleasant), and JANET answered, "It's his macho image," which is an exact quotation, see APP. 489-491.

The phrase, "macho image" meant that ROBERT "wasn't happy with the idea that his wife might be successful in business, might overshadow him," depo. of RONWIN, 101, lines 3-5,...which bears on ROBERT's motive, deposition of RONWIN, 98, line 20 to 101, line 5; particularly 100, line 23 to 101, line 5, and was one facet of ROBERT's hostility to NATL, and to RONWIN, as NATL's representative. HUTCHISON was fully familiar with that interpretation of the term, "macho image", since he admitted reading a copy of the deposition of RONWIN; yet, HUTCHISON pre-

vented RONWIN from giving RONWIN's understanding or impression of the meaning of "macho image," APP. 491; however, HUTCHISON showed earlier at TRIAL that he knew that a witness is allowed to testify as to his own understanding or belief, e.g., APP. 433, 478. Is it any wonder that HUTCHISON did "not understand"...what "macho image" meant, APP. 688-689 and how that bore on the interference torts committed by ROBERT? But, in fact, HUTCHISON really knew what the phrase "macho image" meant! Note: see APP. 193, lines 1-6 and RTT 99, wherein HUTCHISON clearly shows that he was familiar with the contents of the deposition of RONWIN.

[p. 59].

So, the truth is that HUTCHISON deliberately and improperly kept RONWIN from testifying at TRIAL as to the meaning of "macho image"; and while knowing what it really meant, denied that he understood it. How foul can a judge get?

The meaning of "macho image" is that it provided a hostile motive for ROBERT's interference

with NATL's business expectancies.

RONWIN testified to ROBERT's alternate displays of pleasantry and overt hostility to RONWIN, as NATL's representative, APP. 487-488, which also ran to ROBERT's hostile motive and generated jury questions.

The "macho image" incident also showed that ROBERT was familiar with the relationship between JANET, RONWIN and NATL; intended to interfere with that relationship; ultimately succeeded by convincing JANET to walk away from her association with NATL; knew that NATL had business expectancies and was clearly hostile to those expectancies, and to JANET's relationship to NATL.

Again, there certainly were <u>shreds of evidence</u> running to the elements of the two interference torts. The case may not have been the strongest ever presented to a court, which is in part due to the fact that the interference torts are in the nature of a conspiracy, APP 38-39; and, in this instance, the facts of the interference

lodged in JANET, ROBERT and HILL--a hostile group--, as RONWIN testified, APP. 36-39; consequently, NATL and its attorneys were left to depend on some direct, but mainly circumstantial evidence and the reasonable inferences drawn therefrom, APP. 39. In any event, at the time of the directed verdict motions, most of

[p. 60].

NATL's evidence was uncontradicted and had that evidence been met with opposing evidence on every point, jury questions would have arisen, not justification for directed verdict.

10. The Testimony at TRIAL on Damages

In HUTCHISON's testimony at the 9/21/95 hearing, [HT], pp. 105-106, as in his comments at TRIAL, APP. 687, he argued that there was no evidence on damages. That, too, is false!

* * *

[p. 62].

RONWIN testified to his extensive experience as a licensed and registered investment advisor and business analyst, APP. 379, RTT 509-514,

516-517, in addition to his extensive experience in real estate and in the raising of capital, RTT 517-528. RONWIN testified that NATL's certainty to obtain the $400,000 from WESTPORT was "prime," APP. 469, 649, 464, which opportunity was destroyed by JANET, APP. 466-468, 482, 649. Two partners, LYNN and HILLMAN viewed the situation, APP. 442-444 and were enthusiastic about the project of building a [second] child care center, APP. 445. JANET told RONWIN that, "we've got the money," APP. 451 prior to the LYNN/HILLMAN Des Moines tour; then, JANET began to demand more than 50% of NATL, APP. 451 and engaged in sub-rosa negotiations with LYNN, which RONWIN brought to an end, APP. 447-451. But for JANET's activities, an additional $400,000 would have become available from LYNN/HILLMAN so that NATL could erect two centers, APP. 649. The failure to alter zoning on the BURKE property, APP. 432, was not critical, since other, properly-zoned property was available, APP. 446-447. NATL had an architect,

APP. 472, 475, who drew initial plans useable anywhere, APP. 535, RTT 684,...and who would manage construction of centers, RTT 684. JANET contributed to those plans, RTT 685, APP. 297. $400,000 would have been adequate to allow for land purchase, center construction and working capital to get underway, APP. 636. The estimates on costs, income and profit to which JANET made a heavy contribution, APP. 647, were

[p. 63].

extremely conservative and construction costs were computed with input from the architect, APP. 639-640, and deliberately overestimated, APP. 645. The architect's plan allowed for a center with 136 children, RTT 775, 777, but projections of net profits were based on 100 children, APP. 539, RTT 777-778. The projected tuition was at the low end of the Des Moines scale at $60/week/child, APP. 529, which was what JANET was charging; whereas $70 would have been a reasonable figure, APP. 529. Costs were derived from JANET's own child care center

experience, APP. 531. Thus, projections of costs, income and net profits were based on real experience, APP. 533, 537, and not on "speculation" as HUTCHISON falsely testified at 9/21/95 hearing and spoke into TRIAL record. If 130 children and/or $70 tuition values were used, projected net profits would have been significantly higher than in NATL's exhibit 60, APP. 537-538. These higher projections could have been realized, APP. 542. JANET testified that, during the relevant time period, there was a fairly substantial market for NATL's services, APP. 300, in which the need was "acute", RTT 287, and an "epidemic of need," APP. 303-304; hence, NATL's 100 to 130 openings in its first center would likely have been filled and its projections realized, APP. 547-550. JANET admitted that 80 to 120 children centers were the most profitable, APP. 308 and that the growth was in the area where NATL planned to operate, APP. 309-310.

Had the 5 year, $400,000 loan arrangement with

WESTPORT been consummated, NATL would have had a business capable of generating $100,000 per year in net profits, APP. 643, which, at a P/E ratio

[p. 64].

of 20, (modest for the child care industry), would mean a center worth $2,000,000, which is where that damage demand put into the original petition arose.

In the least, NATL's damage was the loss of the $400,000 from WESTPORT which would have enabled NATL to have more than adequate construction and working capital for one child care center; the working capital would carry the center even without one child for at least one year. The uncontradicted testimony at the time of the directed verdicts was that JANET's activities destroyed the LYNN/HILLMAN financing opportunity worth an equal amount, i.e.,another $400,000. These were de minimis damages...the evidence was uncontradicted at the time the directed verdict motions were considered.

* * *

[p.65].

Also, a jury could have found the actions of ROBERT, HILL and JANET were tinged with actual or legal malice and awarded punitive damages...

* * *

RONWIN intended to interrogate Judges OXBERGER and MORR, [added now: interrogate as witnesses at the DIVISION hearing, which RONWIN had left]. One reason for calling both judges was the fact that each had talked with RONWIN about NATL's case and each informed RONWIN that HUTCHISON was considered the best versed judge on matters of law in the Iowa District Court in Polk County, hence in the 5th Judicial District--the State's largest...

* * *

[p. 72].

THOMPSON falsely and maliciously alleged that RONWIN is "paranoid," APP. 167, and that RONWIN "is a man who hears things and draws conclusions that others don't draw," APP. 168, and that

RONWIN was not "normal," APP. 168; for none of which charges did THOMPSON present an iota of evidence. THOMPSON demanded that he be allowed to offer RONWIN I and II for "impeachment" purposes to pur-

[p. 73].

portedly attack RONWIN's credibility, APP. 165-170, including the additional false claim that RONWIN has a "personality disorder" and one that is supposed to affect RONWIN's credibility.

* * *

[p. 75].

HUTCHISON grudgingly granted NATL's motion in limine to prevent the use of the Arizona decisions, APP. 245; made a skewed comparison between NATL's motion in limine and NATL's efforts to have admitted testimony by a party who just prior to RONWIN's experience with DICKINSON was subjected to similar outrageous conduct by DICKINSON, APP. 240, and took RONWIN II as truth when, facially, the decision asserts its abhorrence of truth, 680 P.2d @ 115, APP. 242-244.

HUTCHISON placed an onerous and outrageous restriction on NATL and RONWIN, APP. 245 and mused about whether he had "done the right thing" in keeping RONWIN I and II out; claiming that RONWIN's alleged actions, (in RONWIN II), are a "matter of habit and routine," APP. 245-246, and criticized RONWIN's "wearing of two hats", APP. 246-247, which the Iowa Supreme Court allowed in National Child Care, supra, 446 N.W.2d @ 810. HUTCHISON's actions and comments reflected a pattern of bias toward NATL and, particularly, toward RONWIN, which entered into his Rule 80 Ruling. Clearly, HUTCHISON accepted the presiding at TRIAL with an axe to grind. Since, HUTCHISON never technically met or had anything to do with RONWIN before the start of TRIAL, what was the basis for HUTCHISON's evident bias?

HUTCHISON's use of RONWIN I and II against NATL and RONWIN, both

[p. 76].

in TRIAL and later in the Rule 80 Ruling, was an outrage and THOMPSON's injection of the deci-

sions was gutter advocacy. As bad, when RONWIN wanted to interrogate THOMPSON about his evid-dence, HUTCHISON sprang to THOMPSON's defense and the defense of the anti-semitic claptrap in RONWIN I and II, with the comment, "I have heard enough," APP. 238-239; which may prove highly inaccurate.

THOMPSON and his co-counsels and firm, as HILL's attorneys, who were in total favor of THOMPSON's game on the Arizona Affair, were quilty of gross unethical behavior and should have been sanctioned for same. Instead, they were met with open arms by HUTCHISON.

All of the foregoing indicates that HUTCHI-SON's lying into RTT, and, as will be shown, into RT, as well, was part of a calculated, de-liberate scheme amounting to criminal misuse of his office and denial of the constitutional rights of NATL and of RONWIN.

* * *

[p. 77].

13. More on HUTCHISON's Actions

On July 8, 1991, RONWIN made an oral motion requesting HUTCHISON to recuse himself for bias against NATL and for an obvious antagon-

[p. 78].

ism to RONWIN, APP. 693-694. [The following footnote appears at this point:

> The comment ascribed to "THE COURT", APP. 695-696, is absolute error, since RONWIN spoke those lines and HUTCHISON followed with a comment.]

During the proceeding, RONWIN asked HUTCHISON if he had discussed the case with Judge RICHARD A. STRICKLER, APP. 698, lines 12-13. RONWIN asked the question because during TRIAL, STRICKLER went into HUTCHISON's office and spent about 15 minutes in conversation with HUTCHISON. HUTCHISON replied that he had not talked with STRICKLER because STRICKLER was "on circuit", (at the time of TRIAL, May 20-30, 1991). That response shocked RONWIN who filed the Notice for the Record, APP. 123-124, the very next morning, July 9, 1991. The Notice recorded the events that showed that STRICKLER had, indeed, talked with HUTCHISON during TRIAL. RONWIN hand-delivered a

copy of said Notice to HUTCHISON right after its filing. HUTCHISON gave the Notice a quick glance and said nothing. RONWIN left HUTCHISON's office, egressed through the west door of the Polk County Courthouse and proceeded north on 6th Street. At the corner of 6th and Mulberry, RONWIN saw HUTCHISON walking rapidly along the north side of Mulberry toward 6th. HUTCHISON looked very angry. When the transcript for the July 8, 1991 proceeding, ("RTJ"), became available, there appeared dialogue which did **NOT** occur, APP. 698, lines 14-25. HUTCHISON did say that STRICKLER was "on circuit," which is somewhat equivalent to the comment attributed to HUTCHISON in APP. 698, lines 14-15, but HUTCHISON also denied talking to STRICKLER because STRICKLER was "on circuit." At no time did RONWIN inform

[p. 79].

HUTCHISON in that proceeding that RONWIN knew that STRICKLER had gone into HUTCHISON's office during TRIAL, as alleged in RTJ, APP. 698, lines

16-17; RONWIN made that disclosure in the Notice for the Record, APP. 123-124. Why on earth would RONWIN file said Notice if HUTCHISON had admitted talking to STRICKLER, as appears in RTJ, APP. 698, lines 14-25? Moreover, nowhere did HUTCHISON put on record in writing a challenge to the Notice for the Record. Instead, the RTJ transcript is surreptitiously "adjusted" in an effort to wipe out HUTCHISON's misrepresentation. Worse, that "adjustment" had to be done by HUTCHISON's own court reporter, MARTHA KLUENDER, and had to have had the approval and direction from HUTCHISON. That HUTCHISON originally attempted to conceal his meeting with STRICKLER supports RONWIN's charge that HUTCHISON's bias against NATL, and obvious antagonism toward RONWIN, (which HUTCHISON never directly denied, APP. 700), reflects HUTCHISON's discussion with other 5th Judicial Circuit judges who harbor "a view toward [RONWIN] which is not enthusiastic," APP. 694, lines 11-13.

With crocodile tears, TROMPSON [sic] and REED,

(REED replaced GAY as HILL's attorney), raved over the alleged harm done to their clients because the original Petition stated a specific dollar demand for damages, APP. 763. HUTCHISON, who ought to have been neutral, provided a citation to the law, (Sec. 619.18, Iowa Code), that he thought supported THOMPSON and REED's claims, APP. 764. HUTCHISON's suggestion of the applicable law, which was THOMPSON and REED's jobs to research before they made their belated claim, which claim

[p. 80].

they certainly waived, APP. 766-771, was, hilariously, (i) not applicable, APP. 771-772, and (ii) HUTCHISON should not have been acting as counsel to either side of a case on which he was sitting.

Without objection from THOMPSON or REED, HUTCHISON interfered when RONWIN queried REED about how an interferer would act, claiming that RONWIN was asking REED to testify as an "expert" and confining RONWIN to "factual questions," APP

784-785; yet, an attorney filing a Rule 80 motion must apprise himself of the existing law as well as of the facts that he attacks and when his motion is challenged, should be required to explain the grounds, law and facts, "expert" or not, APP. 804.

Although made clear to HUTCHISON how the word, "facts", was being used and HUTCHISON said he understood "all that," APP. 787-789, HUTCHISON persisted in his posture that he "simply don't understand what the witness is being asked," APP 789.

THOMPSON, who was not REED's or HILL's attorney, was allowed to object to RONWIN's questioning of REED and HUTCHISON sustains, again on the prohibition of "legal questions," APP. 793-794.

Asked if RONWIN's pre-filing inquiry "facts" were shown by REED to be fictitious, (a matter going to the heart of Rule 80), REED makes an absurd objection, but HUTCHISON sustains, APP. 794-795.

Under the guise of "shortening" the

proceeding, HUTCHISON effectively interferes to supply REED's answer, APP. 797. When RONWIN asked REED about the "motive" exception to Evid. Rule 408, HUTCHISON merely sustains an unspecific objection, APP. 799-800. Unspecific objections are not permitted in Iowa law, Ferris v. [p. 81]. Riley, 101 N.W.2d 176, 180 (Iowa 1960). RONWIN asked REED if there was a duty to monitor pre-filing information in the post-filing period. THOMPSON makes an unspecific objection and HUTCHISON sustains, APP. 803. On the prohibition of "legal conclusions," HUTCHISON effectively barred RONWIN from learning the details of the legal fees HILL was claiming, APP. 804-805. HUTCHISON's actions of record, as shown in this paragraph alone, reflect his consummate disdain for lawful behavior as a judge.

When RONWIN tried to get the reason for the diametrically opposite answers of JANET and HILL to the same interrogatory, HUTCHISON sustains an objection, APP. 809-811. We may note that HUTCH-

ISON acknowledged that the interrogatory answers were in the court file, APP. 774.

HUTCHISON wanted a case saying that if a petition survives a motion to dismiss or for summary judgment, (as NATL's had), no Rule 80 sanctions are appropriate, APP. 816. As noted to HUTCHISON failure to prevail on said motions does not mean that Rule 80 is violated; that is what the cases overwhelmingly hold, but the reverse is not addressed because one surely states a claim if one prevails on a motion to dismiss or for summary judgment, APP. 89-93, 50-53.

HUTCHISON refused to allow questions on another party, DEBRA and REED LUCAS, who also claimed to have been cheated and defrauded out of money, time and effort by JANET and ROBERT DICKINSON, APP. 266-268, see LUCAS petition, Exh. M.

When SPORER asked a question, THOMPSON objects with no reason

[p. 82].

given for the objection, HUTCHISON nevertheless

sustains, APP. 353.

HUTCHISON claimed he was "not ruling on right measure of damages," APP. 409, yet, earlier HUTCHISON pushed NATL into the "lost profits" mode, APP. 186-201.

RONWIN was barred from reference to the fact that he is a lawyer because of the outrageous raising of the Arizona Affair, APP. 545-552; yet, HUTCHISON overrules SPORER's objection to THOMPSON's repeated reference to RONWIN as a lawyer and to THOMPSON's attempts to get RONWIN to mention that RONWIN is a lawyer, APP. 569-571.

A reasonable theme by SPORER on settlement becomes "ludicrous" in HUTCHISON's view, APP. 512.

HUTCHISON insisted that RONWIN give a "yes" or "no" answer, APP. 563-564. While a court can tell a witness he does or does not have to answer, the court cannot tell the witness <u>how</u> to answer. HUTCHISON surely knew that.

HUTCHISON admitted that Polk County District Court files are subject to abuse, APP. 613-614.

When RONWIN wanted to make an objection, HUTCHISON told RONWIN that if SPORER wants to make an objection, SPORER will do it, APP. 591-592, which indicates that HUTCHISON knew that SPORER was running the case for NATL. Yet, in his Ruling on the Rule 80 motions, HUTCHISON describes SPORER as merely being "present at trial," APP. 110, and proceeded to characterize RONWIN as, in effect, lead counsel for NATL, which the case record shows is not true. After SPORER came aboard, he was given a free hand and every motion, pleading and paper was signed by SPORER, who conducted oral

[p. 83].

arguments and all discovery as well as the TRIAL. HUTCHISON deliberately skewed the truth.

HUTCHISON equated RONWIN and NATL, APP. 111-112, contrary to the Iowa Supreme Court's holding in National, supra, 446 N.W.2d @ 811; and HUTCHISON also declared that the JANET/RONWIN contract had not been assigned to NATL, APP. 119. Well, if in HUTCHISON's mind, RONWIN and

NATL are "one," what need for an assignment and what basis then for a directed verdict on the breach of contract claim?

14. Consideration of the Rule 80 Ruling

Some of the matters in the Rule 80 Ruling have been considered above, but, as necessary, will be touched upon again in the ensuing:

On p. 2 of said Ruling, APP. 107, HUTCHISON writes that "[NATL] failed to produce any proof that defendants [ROBERT and HILL] had any involvement supporting any of the allegations made in plaintiff's petition." The content of Sections 8 and 9, supra, prove that statement to be false and it is inconceivable that a smart judge like HUTCHISON could not have noticed even one shred of evidence on those two defendants from the several "shreds of evidence" in the record and which are discussed above.

On p. 4 of said Ruling, HUTCHISON wrote that "...the deposition of Edward Ronwin was used extensively at trial, both to refresh his recollection and to impeach him." APP. 109. Not true!

RONWIN was not impeached nor had his recollection been refreshed at TRIAL. That statement was HUTCHISON's false attempt to discredit RONWIN's testimony at TRIAL to add alleged justification for his deliberate

[p. 84].

refusal to meet his obligation to believe RONWIN's testimony as a predicate for his consideration of the directed verdict motions. Clearly, HUTCHISON prefers HILL's perjury.

At another point on p. 4 of said Ruling, HUTCHISON charges that NATL's argument against the Rule 80 motions consisted of "technical legal reasons" rather than dealing with the merits of the motions, APP. 109. That, too, is false! Both motions, particularly HILL's advanced on HUTCHISON's false "absolutely devoid of one shred of evidence" statement, APP 31, 102. NATL's arguments on the Rule 80 motions, pursuant to two briefs requested by HUTCHISON are presented, deleting irrelevant material, in APP. 34-58; 65-100. Had HUTCHISON made an honest

effort to consider the arguments in those briefs instead of using his Rule 80 Ruling to justify his false TRIAL statements and to advance his bias in favor of DICKINSON and HILL, he would have realized that the alleged "technical legal reasons" present the law that does not permit his Rule 80 sanctions award against either NATL or RONWIN. Actually, a smart judge like HUTCHISON really knew the meaning of those "technical legal reasons," but he deliberately chose to ignore them because taking them into consideration would disturb his criminal objectives in the TRIAL and 80 HEARING.

On p. 5 of said Ruling, HUTCHISON asserts that SPORER "acted as co-counsel only for a relatively short period during the case, although he was present at trial," (emphasis added), APP. 110. That comment attempts to diminish SPORER's role so that HUTCHISON can appear to justify placing the non-existent blame on RONWIN. The

[p. 85].

characterization of SPORER as merely "present at

trial" is utterly false. HUTCHISON had no facts before him other than that: After SPORER came aboard on NATL's offense, which followed about 1½ years of inactivity after the first appeal was determined, and while RONWIN sought to obtain other counsel for NATL, SPORER drafted, signed and filed each and every pleading, motion response, etc., and, in fact, SPORER failed to keep RONWIN abreast of some of his activities. The arrangement was: SPORER ran NATL's case as he saw fit. The DIVISION members can flip every page of RTT and they will not find a single page wherein RONWIN called or interrogated any witness-SPORER prepared for and handled TRIAL for NATL, as well as conducted all of NATL's case after the first appeal. RONWIN did speak to SPORER at the end of each TRIAL day and RONWIN did offer suggestions and comments, but, SPORER, per the agreement, went his way. For example, RONWIN wanted to know during TRIAL why SPORER hadn't subpoenaed SALSBERY. SPORER answered that SALSBERY would lie. RONWIN said that SPORER ought to

call SALSBERY anyway. SPORER did not. Who was "present at trial", RONWIN or SPORER? Also, while the comparative actual time periods when RONWIN acted as sole counsel for NATL and SPORER acted as chief counsel for NATL differed by about a year or somewhat more, that says nothing about the relative amounts of work expended by each counsel. RONWIN's largest contribution was his work in having NATL prevail on the first appeal. SPORER's work was the handling of the actual case after the esoteric point raised by the first appeal was determined by the Iowa Supreme Court. But recall that in the paragraph starting on p.

[p. 86].

82, line 6.67 above, there is related the fact that when RONWIN wanted to pose an objection during the examination of RONWIN at TRIAL, HUTCHISON let RONWIN know that if NATL was going to make any objections at TRIAL, SPORER had to do it. Clearly, HUTCHISON well knew that SPORER was not just "present at trial," but fully acting

for NATL while RONWIN was playing his part as witness only. The thrust of HUTCHISON's comment is false!

On p. 7 of said Ruling, APP. 112, HUTCHISON argues that it is ironic that after RONWIN's successful argument that "he" should receive the benefits of being a pro se plaintiff that RONWIN argued that "he" should not be subject to any of the responsibilities of being a party-pro se plaintiff.

Preliminarily, the successful appeal recognized RONWIN's, and all Iowa citizens', right, under certain conditions which often occur in commercial litigation, to act for corporate entitites similar to the right of litigants to act pro se. RONWIN was not a pro se plaintiff at any time in NATL's action, nor a plaintiff at all; and HUTCHISON well knew that. Furthermore, and contrary to HUTCHISON's allegation, RONWIN never argued that he should not be subject to any responsibilities. RONWIN did argue that the grant of the directed verdicts was improper and that

the Rule 80 sanctions were utterly unjustified.

On p. 8 of said Ruling, APP. 113, HUTCHISON persists in trying to make RONWIN a "party;" knowing full well that only NATL, a separate legal entity, was the party-plaintiff in the case.

On p.10 of said Ruling, APP. 115, HUTCHISON puts forth the

[p. 87].

argument that RONWIN argued that HILL cannot be awarded sanctions because she is represented by LEGAL AID SOC. RONWIN never made such an argument.

On p. 12 of said Ruling, APP. 117, HUTCHISON makes the argument that:

> Thus the question before the Court is not so much whether Ronwin made a reasonable inquiry of the facts as whether he made a reasonable application of the facts known to him and made a reasonable inquiry of the law.

First, on p. 9 of said Ruling, APP 114, HUTCHISON admits that, "[t]he Court rather examines whether the attorney or party made a reasonable inquiry into the facts and law at the time the

particular pleading in question was signed and filed." This latter statement is consonant with (i) Rule 80; (ii) Iowa Code, Sec. 619.19 and (iii) Iowa decisional law, e.g., Mathias v. Glandon, 448 N.W.2d 443, 445 (Iowa 1989), where the Court said:

> ...we examine the record as to the prefiling inquiry of counsel...

and Weigel v. Weigel, 467 N.W.2d 277, 280 (Iowa 1991), where the Court emphasized that the trial court's focus must be:

> ...as of the time the paper in question is filed, not with hindsight gained through hearing the evidence at trial...

HUTCHISON's standard, which as he asserts, means viewing the lawyer's pre-filing inquiry as to whether the lawyer made a reasonable application of the facts, means that, as the facts are not "applied" until trial, one does look with hindsight contrary to Weigel. That is what HUTCHISON did in NATL's case and that is clearly unlawful.

Worse, under HUTCHISON's unlawful standard,

every attorney that

[p. 88].

losses a case has "obviously" not made a "reasonable application" of his pre-filing inquiry! As a result, after every trial, the losing attorney must be subjected to sanctions and pay the opposing party's legal fees and whatever other monetary proscriptions come into the judge's mind. The lawyers on the DIVISION, and all Iowa lawyers better take heed. Being a lawyer can mean losing everything you own though you earnestly advocated a case or because some judge or judge in cahoots with your adversaries wants to destroy you. That literally happened in this case.

HUTCHISON's allegation on p. 13 of said Ruling APP. 118, to the effect that RONWIN developed a personal antagonism against HILL and ROBERT and positing that that is why they were sued, is nonsense. As shown above, it was ROBERT and HILL's serious and detrimental interferences in NATL's business ventures and successful efforts in destroying them that caused the two to be

named as parties-defendant in NATL's action. The record as discussed in Sections 8 and 9, above, supports that position.

On pp. 13-14 of said Ruling, APP. 118-119, HUTCHISON cites from the earlier version of Matter of Ronwin, (RONWIN II),...The discussion on the Arizona Affair shows that neither Arizona decision is honest and only a corrupt judge like HUTCHISON, (and corrupt attorneys like those representing DICKINSON and HILL), would attempt to use them. Let HUTCHISON answer: What does he think of a State Supreme Court that argues that the truth has no importance to a decision?

On p. 14 of said Ruling, APP. 119, and following the quotation,

[p. 89].

HUTCHISON wrote:

> It is clear to this Court, from a complete review of the record having presided at the trial, that Ronwin's inclusion of [HILL] and [ROBERT] in the lawsuit was from the beginning nothing more than an attempt to intimidate the two, to silence potential witnesses and to bring more pressure to bear on [JANET]. It is further clear to this Court that

> Ronwin has learned nothing from his prior experiences as detailed by the Ariz. Supreme Court. (emphasis added).

What is RONWIN supposed to have learned from his experiences in the Arizona Affair? That it is perfectly all right for official transcripts to be tampered with? That it is perfectly all right for witnesses to perjure themselves? That it is perfectly all right to run rigged proceedings? That it is perfectly all right to deny due process in judicial proceedings? That the truth has no place in judicial decisions? That it is senseless to rely on trained psychiatrists and psychologists for analysis of mental states; better to rely on medical illiterates to make such determinations? That it is perfectly all right for a court to falsely quote from a report and that there is no duty to make correction? That it is perfectly all right for a State Bar to mislead bar examines on the passing grade? HUTCHISON has learned these "perfectly all rights" because they fit his corrupt approach to his office. RONWIN has a higher standard of

conduct.

As to the first part of the quotation above, what proof is there that RONWIN named HILL and ROBERT to intimidate them? How does one silence potential witnesses by naming them as parties when they are more likely to appear and give testimony in their defense? Reading HT, p. 111, lines 12-25, it appears that the BOARD is attempting to erect a defense to that absurd statement for HUTCHISON based on the

[p. 90].

notion that HUTCHISON meant that by suing ROBERT and HILL, RONWIN was going to silence the "10 to 15" "financial people" which became "20-25" and the members of said "group" always remained unnamed. Nor has HUTCHISON explained how members of said "group" could have been involved in NATL's action. The BOARD's defense of HUTCHISON is false. Are we to believe that these 10-15 people, who became 20-25 have not among them a single person or entity with "guts" to stand up to RONWIN if RONWIN sued them without cause? Who

are these people and what cause did RONWIN ever say he had against them? There are no answers. Certainly no such persons or entities were named at TRIAL. In the settlement agreement draft, Exh. C, there are financial persons and entities mentioned, but they are listed there are [sic] sources of capital to which JANET , as part of the settlement would not make overtures for the funding of any child care center for a period of years. None of these people were in conflict with RONWIN, and no evidence was given to the contrary effect at TRIAL or in any other proceeding in NATL's action. But look at the quoted passage. HUTCHISON starts by stating that he is setting forth reasons why HILL and ROBERT were sued, nothing is said about 10-15 unnamed people or entities who became 20-25 in HILL's perjury both at TRIAL and the 9/21/95 hearing. When HUTCHISON wrote that RONWIN named HILL and ROBERT to silence potential witnesses, he meant to silence HILL and ROBERT, not anyone else. And what answer does HUTCHISON have to the charge made

now that HUTCHISON knowingly relies on HILL's obvious perjury as set forth in Section 8, supra? Also, how did the naming of HILL as

[p. 91].

a party bring more pressure to bear on JANET? Likewise, how did the naming of ROBERT as a party bring more pressure to bear on JANET?

HUTCHISON's and the BOARD's "excuse" for HUTCHISON's ridiculous statement on silencing potential witnesses is outrageous. It's intent was to smear RONWIN as prone to bring suit, in the same manner as did that fine, upstanding court respectful of constitutional rights, the Ariz. Supreme Court. In fact, RONWIN has actually sued very few people on his own behalf in the 21 years or so that he has been active as an attorney. RONWIN sues when people, or entities, behave the way JANET, ROBERT and HILL did, and there exists a cause of action that cannot be resolved before institution of suit.

HUTCHISON then says, in line with the argument above, that RONWIN would sue those unnamed "pot-

ential finance people" as RONWIN did with those "honest people" in Arizona, HT, p. 112, lines 1-6. The truthful representation of the Arizona Affair hereinabove, Secs. 7 and 11, (only a partial representation in consideration of space), belies the suggestion that the Arizona suits, never tried, were "frivolous." Furthermore, the 9th Circuit, U.S. Court of Appeals admitted RONWIN to its bar, despite the continual refusal of the Ariz. Supreme Court to do so, see Exh. N. Since several of the actions noted in RONWIN II reached the 9th Circuit and oral argument was held on some of them in that Court, including one argument in which the Chief Judge BROWNING presided, that Court was well aware of RONWIN's battle with the Ariz. Supreme Court when it admitted RONWIN to its bar. Evidently, that court knew where the

[p. 92].

"equities" really lay. But a careful review of RONWIN II, as discussed above, (and RONWIN I, also) puts HUTCHISON on notice that full faith

and credit is not due in Iowa to those decisions. Nor does HUTCHISON explain why the U.S. Supreme Court "wasted its time" on Hoover v. Ronwin, supra, in which action RONWIN had sued several parties. If RONWIN was so wrong why did former Chief Justice KRIVOSHA of Nebraska, on his own, publish in RONWIN's major adversary's journal, a laudatory article on RONWIN's efforts in Arizona?

The fact is that no absurdity, as represented by the "silence potential witnesses" comment, was too crude to throw at RONWIN by that corrupt scoundrel, HUTCHISON.

The theme sounded in the last paragraph on p. 14 of said Ruling, APP. 119, was reversed by the Iowa Court of Appeals, Exh. O.

15. Consideration of Some of HUTCHISON's Testimony at 9/21/95 Hearing

One portion of that testimony is discussed just above.

HUTCHISON claims that there was "no" evidence against ROBERT and HILL, HT p. 100, lines 8-11;

p. 101, lines 2-4, are absolutely false as the discussion above on ROBERT and HILL show employing record evidence from RTT, (as appeared in APP); see Sections 8 and 9, above. If a judge is intent upon rigging a trial, then he or she can be expected to turn away from any evidence that they predetermine that they will give no credit to. That is precisely what HUTCHISON has done.

HUTCHISON claims that NATL's project "had no financing commit-

[p. 93].

ment," HT, p. 102, lines 17-18, which is false. RONWIN testified to the certainty of the $400,000 loan arrangement with WESTPORT, which group had met with JANET and RONWIN, and agreed to the funding. RONWIN also testified that the $400,000 was a very adequate capital base, see p. 62, above. That testimony by RONWIN was uncontradicted at the time the directed verdict motions were being considered. That testimony is clearly in RTT (as appeared in APP). Why HUTCHISON chooses to lie is a puzzle. He may not have

liked RONWIN's testimony; he may not like RONWIN, (the feeling is wholly mutual), but, as a judge sworn under his oath of office, duty required HUTCHISON to recognize RONWIN's testimony and not to lie about it under oath in the 9/21/95 hearing.

Similarly, the statement that NATL had "no real estate", HT, p. 102, line 18, is false as the discussion above...shows; also see Exh. F. Furthermore, RONWIN testified to a number of other parcels that with the financing from WESTPORT, NATL could readily purchase.

HUTCHISON claimed that the financial figures testified to by RONWIN at TRIAL, "...was simply picking numbers out of the air...etc.," HT, p. 102, line 19. HUTCHISON deliberately overlooks the fact that the financial projections were based, not on air, but on JANET's experience with her own then operating child care center, see above at pp. 62-64, particularly, p. 63, which was <u>uncontradicted</u> at TRIAL. How did HUTCHISON miss that testimony?

HUTCHISON continues to assert that his "absolutely devoid of one shred of evidence" comment was and is true, HT, 107, lines 1-11. [p. 94].

Remarkable, in view of the numerous shreds of evidence shown to be in RTT (as appeared in APP) in the discussion on HILL and ROBERT, see Sections 8 and 9, above.

HUTCHISON's testimony that the "macho image" notion was "[RONWIN's] primary evidence that such interference had occurred," HT, 108, lines 17-22, is also false; since the evidence, which HUTCHISON well knew and knows, was that "macho image" went solely to the hostile element of the tort of interference with prospective business expectancies and to nothing else, pp. 57-59, above. That there was considerable evidence of HILL's and ROBERT's interferences with NATL's contract with JANET and with NATL's business expectancies is shown in the discussion in Secs. 8 and 9, above.

HUTCHISON testified that his statements in his

Rule 80 Ruling were true, HT, 109, line 23 to p. 110, line 5, at the time he made the Ruling and currently. GRACE uses the word "believe"; however, in the context used, it means that HUTCHISON regards his statements in said Rulings as true without exception. HUTCHISON can't come back later and say "Well, I only thought that, so sorry, I was in error on this or that in the Ruling." In fact, as discussed hereinabove, HUTCHISON's Rule 80 Ruling contains several and significant falsehoods, which HUTCHISON had every reason to knew were false, as shown above, Section 14.

RONWIN submits that HUTCHISON was not entirely honest in his response to VASHER's question on the "second" attorney, HT, p. 113, line 11 to p. 114, line 6. In fact, when HUTCHISON assures this DIVISION that SPORER relied on RONWIN's representations and that he, HUTCHISON, is "confident today [SPORER] would do a better job of investigating his co-counsel," HUTCHISON lies. SPORER testified at 80 HEARING that, in effect,

he would have filed NATL's suit on his own, RT 61, lines 12-21. MIKE CHRISTENSEN, a 20-year lawyer was inclined to do so, too, APP. 717-718. HUTCHISON mislead VASHER.

To ERB's question, HUTCHISON testified that although he ruled out the Arizona decisions, which never had a proper place in the proceedings, he nevertheless used them, HT, p. 114, lines 7-19. First, it is outrageous and unethical for HUTCHISON to use material in a substantial manner in his orders or rulings that he, himself, barred, except perhaps to generally describe barred material. Second, the utter baseness of the material HUTCHISON used from Arizona which on face calls for a bar of full faith and credit makes resort to their use despicable and the user amoral.

The alleged "lot of" note writing "back and forth" with RONWIN giving questions to SPORER, HT, p. 115, lines 4-6, is false. RONWIN may have passed a note or even two SPORER during TRIAL, but nothing that could qualify as "a lot." The

charge is part of HUTCHISON's attempt to make it appear that RONWIN ran the TRIAL, which RONWIN definitely did not. In fact, why would RONWIN need SPORER, if RONWIN was going to run the TRIAL, especially since RONWIN would then give his testimony by narrative, which gives the witness a considerable advantage over the usual question and answer format?

16. Consideration of GRACE's Comments

Another gambit whereby HUTCHISON seeks an out is set out in

[p. 96].

BOARD's Brief, (entitled, Complainant's Brief) filed Sept. 7, 1995 herein, wherein GRACE, who drafted the Brief, alleges that, as to the "absolutely devoid" statement, HUTCHISON was only stating that he, HUTCHISON, thought (italics in original) the record was devoid of evidence, p. 19, under "First lie." GRACE also asserts that the record was absolutely devoid of evidence that would support any possible claim against [HILL].

The record, as shown above on HILL, as on ROBERT, Sections 8 and 9, reveals GRACE's statement to be as false as HUTCHISON's statement.

Moreover, whatever HUTCHISON "thought", his statement was categorical, see pp. 53-54, above. The quoted statement contains no exceptions, provisos or other modification of the statement. Furthermore, what HUTCHISON "thought", if that somehow is supposed to lessen HUTCHISON's guilt for lying into an official record, was not communicated to RONWIN or the other people to whom HUTCHISON spoke the statement. To RONWIN, knowing the record, the statement was and it has been amply shown above to be, a lie. What HUTCHISON "thought" does not diminish its falsehood. Furthermore, to know what HUTCHISON allegedly "thought" would mean that RONWIN has to be a mindreader to know that the statement was really "true" even though on face, as matched against the evidence of record, it is false. RONWIN cannot be held to be a mindreader of HUTCHISON's mind; neither can RONWIN be held under DR 8-

102(B) for calling a statement a lie which the record clearly establishes to be a lie, no matter what the unstated, alleged "thoughts" of the judge-

[p. 97].

speaker. Nor can RONWIN be held under any of the other DR's or Iowa Code sections thrown into the Complaint for calling a false statement that is truly false, a false statement.

The remarkable thing is: How is it that GRACE, who admitted that he pretty well knew the contents of RTT (or APP) at the July 27, 1995 meeting in TAUKE's office, didn't see one shred of evidence in the record that went to support of some element(s) of the interference torts whether by testimony (= evidence) by RONWIN or HILL or other persons, or by other forms of evidence. Remarkable! But worse, GRACE persists in that deceptive and dishonest posture in this proceeding regardless of the concrete evidence in the record. See BOARD's Brief and GRACE's closing argument, HT, p. 120, lines 19-22; p.

122, line 21-22, and other parts of that closing argument. Can anyone wonder why lawyers are held in such low esteem by the public?

* * *

STATUTORY PROVISIONS INVOLVED

U.S. Constitution, 1st Amendment,

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Constitution, 14th Amendment, § 1:

* * *

> ..No State shall make or enforce any law which shall abridge the privileges privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

IOWA CODE, (1995)

602.10112(1): Attorney's duty:

> To maintain the respect due to the courts of justice and judicial officers.

602.10112(2): Attorney's duty

To counsel or maintain no other actions, proceedings, or defenses than those which appear to the attorney or counselor legal and just, except the defense of a person charged with a public office.

602.10112(5): Attorney's Duty

To abstain from all offensive personalities and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which the attorney or counselor is charged.

602.10112(6): Attorney's Duty

Not to encourage either the commencement or continuance of an action or proceeding from any motive of passion or interest.

IOWA RULES OF PROFESSIONAL RESPONSIBILITY

DR 1-102(A)(5):

A lawyer shall not: Engage in conduct that is prejudicial to the administration of justice.

DR 1-102(A)(6):

A lawyer shall not: Engage in any other conduct that adversely reflects on his fitness to practice law.

DR 7-102(A)(1):

In his representation of a client, a lawyer shall not: File a suit, assert a position, conduct a defense, delay a trial, or take other action on

behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

DR 8-102(B):

A lawyer shall not knowingly make false accusations against a judge or other adjudicatory officer.

IOWA RULES OF CIVIL PROCEDURE

Rule 80(A):

...Counsel's signature to every motion, pleading, or other paper shall be deemed a certificate that: Counsel has read the motion, pleading, or other paper; that to the best of Counsel's knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation ...If a motion, pleading, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney's fee...